

Message

**From:** Martinson, Mathew [martinson.mathew@epa.gov]  
**Sent:** 9/30/2020 3:05:14 PM  
**To:** Poulsom, Susan [Poulsom.Susan@epa.gov]; Opalski, Dan [Opalski.Dan@epa.gov]  
**Subject:** RE: Incoming Media & Congressional Inquiries & Selected News Clips for 9/29/2020  
**Attachments:** RE\_Naval Base Kitsap Permit\_PFAS.pdf

Dan – Adding to Susan’s information. I shared the intended approach

**Ex. 5 Deliberative Process (DP)**

## Ex. 5 Deliberative Process (DP)

Mat

*Mathew J. Martinson, P.E., BCEE*  
CAPT, USPHS  
Chief, Permitting, Drinking Water and Infrastructure Branch  
U.S. EPA, Region 10  
Phone: 206-553-6334 (Direct)  
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**From:** Poulsom, Susan <Poulsom.Susan@epa.gov>  
**Sent:** Tuesday, September 29, 2020 5:54 PM  
**To:** Opalski, Dan <Opalski.Dan@epa.gov>; Martinson, Mathew <martinson.mathew@epa.gov>  
**Subject:** RE: Incoming Media & Congressional Inquiries & Selected News Clips for 9/29/2020

Dan – I can’t speak to the details of the reporting, but I noticed that the article is entirely focused on well water, not stormwater. I believe PFAS in stormwater was detected only at NASWI not NAV BASE Kitsap.

We do have PFAS monitoring in the PSNS permit as well, it was detected.

We could

**Ex. 5 Deliberative Process (DP)**

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**From:** Opalski, Dan <Opalski.Dan@epa.gov>  
**Sent:** Tuesday, September 29, 2020 5:08 PM  
**To:** Martinson, Mathew <martinson.mathew@epa.gov>; Poulsom, Susan <Poulsom.Susan@epa.gov>  
**Cc:** Poulsom, Susan <Poulsom.Susan@epa.gov>  
**Subject:** FW: Incoming Media & Congressional Inquiries & Selected News Clips for 9/29/2020

Please see below PFAS article on NAV BASE Kitsap. Is this reporting consistent with what we know or have heard? Wondering if we might want/need

**Ex. 5 Deliberative Process (DP)**

**Ex. 5 Deliberative Process (DP)**

Hard to discern when they use this broad reference to the collection of locations, but assume the article would have said “Shipyard” if that is the focus?

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**From:** Dunbar, Bill <dunbar.bill@epa.gov>  
**Sent:** Tuesday, September 29, 2020 4:51 PM  
**To:** Hladick, Christopher <hladick.christopher@epa.gov>; Pirzadeh, Michelle <Pirzadeh.Michelle@epa.gov>  
**Cc:** R10 Press Team <R10\_Press\_Team@epa.gov>; Kowalski, Edward <Kowalski.Edward@epa.gov>; Opalski, Dan <Opalski.Dan@epa.gov>; Terada, Calvin <Terada.Calvin@epa.gov>; Lindsay, Nancy <Lindsay.Nancy@epa.gov>; Fordham, Tami <Fordham.Tami@epa.gov>; Edmondson, Lucy <Edmondson.Lucy@epa.gov>; Barber, Anthony <Barber.Anthony@epa.gov>; Hamlin, Tim <Hamlin.Tim@epa.gov>; Wilson, Wenona <Wilson.Wenona@epa.gov>; Baca,

Andrew <[Baca.Andrew@epa.gov](mailto:Baca.Andrew@epa.gov)>; Anderson-Carnahan, Linda <[Anderson-Carnahan.Linda@epa.gov](mailto:Anderson-Carnahan.Linda@epa.gov)>; Viswanathan, Krishna <[Viswanathan.Krishna@epa.gov](mailto:Viswanathan.Krishna@epa.gov)>; UG\_R10-PAO <[UG\\_R10-PAO@epa.gov](mailto:UG_R10-PAO@epa.gov)>; Li, Beverly <[Li.Beverly@epa.gov](mailto:Li.Beverly@epa.gov)>  
**Subject:** Incoming Media & Congressional Inquiries & Selected News Clips for 9/29/2020

## **Incoming Media & Congressional Inquiries & Selected News Clips for 9/29/2020**

### **CONGRESSIONAL /INTERNATIONAL/LOCAL GOVERNMENT CONTACTS/INQUIRIES**

- Today the regional congressional liaison shared an EPA report to Congress with in-state staff for AK Senators Lisa Murkowski and Dan Sullivan and for AK Congressman Don Young. The report, titled *Remote Areas of Alaska: Affordable and Reliable Options for Meeting Energy Needs and Reducing Emissions*, was required by the Alaska Remote Generator Reliability and Protection Act and is available here: <https://www.epa.gov/stationary-sources-air-pollution/report-congress-remote-areas-alaska-affordable-and-reliable-options>


### **REGIONAL NEWS CLIPS**

- KSBW: [Hazardous cleanup to begin in Santa Cruz Co., will allow rebuilding to start](#) [wildfires response, cleanup]
- Associated Press: [Two wells at Naval Base Kitsap have potentially harmful levels of contamination caused by a firefighting foam](#)
- KOIN: [Salem mayor addresses water pollution concerns](#) [wildfires response, cleanup]
- National Geographic: [The West Coast had the world's most polluted cities in September](#) [wildfires]
- Kenai Peninsula Clarion: [Voices of the Peninsula: Why recycling electronics helps fight Pebble](#)
- The World: [Oregon recognized as leader in efforts to stem climate and ocean changes](#)
- The Leader: [Salmon recovery projects in Jefferson County get financial boost](#)

### **MEDIA INQUIRIES**

- Inside Climate News: Freelance reporter Lise Olsen requested clarification on EPA's enforcement stance re Portland Harbor Superfund PRPs. Open.

### **R10 SOCIAL MEDIA (Our posts)**

- [Twitter / Facebook @EPAnorthwest](#): Today EPA Regional Adm. Chris Hladick, @SenDanSullivan & @lisamurkowski presented EPA's 2020 Presidential Environmental Youth Award to Anna DeVold in Kenai, Alaska, for her @POPKenai community program. Congrats Anna!  
 <http://www.pollinators.devold.net/>
- [Twitter / Facebook @EPAnorthwest](#): Please stay safe and well after the devastating wildfires in Oregon and Washington. Before returning to burned property, check and follow your local and state agency guidance to protect yourself and your family. We strongly recommend you do not disturb ash or debris

until after it has been assessed by hazardous materials response professionals. Oregon DEQ wildfire info: <https://www.oregon.gov/deq/wildfires/Pages/After-the-Fire.aspx> CDC Stay Safe After a Wildfire: <https://www.cdc.gov/disasters/wildfires/afterfire.html>

- [Twitter / Facebook @EPAnorthwest](#): EPA's [#Superfund](#) team removed >4,500 tons of lead-contaminated soils from lawns & play areas in Northport, WA, to protect children from harmful lead exposure. Big thanks to Northport Public Works, council & school district for the cooperation & support! <http://response.epa.gov/NorthportProperties>
- [Twitter / Facebook @EPAnorthwest](#): Grants are available to fund [#PugetSound](#) Strategic Initiative Leads for habitat, shellfish or stormwater in coord. with EPA & [@PSPartnership](#) & [@EcologyWA](#). Join a webinar tomorrow, Sept. 30, 3pm–4:30pm PST. Applications are due Nov. 9! Details: <https://epa.gov/puget-sound>
- [Twitter / Facebook @EPAnorthwest](#): Good things coming for Seattle's [#Duwamish](#) Waterway Park! [@SeattleParks](#) is working on a cleanup plan w/ [@ecyseattle](#) to address contaminated soil next to the river, before major park improvements begin => <https://bit.ly/3lapp6l> [#Superfund](#)

## **OTHERS' NOTABLE POSTS/RELEASES/STATEMENTS**

## **NEWS RELEASES/STATEMENTS/AMPLIFICATIONS/OTHER**

### **HQ CLIPS**

Daily News Clippings September 29, 2020 (Afternoon Edition)

#### **Agency**

[Asbestos Enforcement: U.S. Environmental Protection Agency and State of Georgia Municipality Enter into Consent Agreement](#)

[DID THE WHITE HOUSE STOP THE EPA FROM REGULATING PFAS?](#)

[EPA administrator ridicules California's proposed ban of new gas cars](#)

[U.S. EPA announces 2020 Safer Choice Partner of the Year award winners in California](#)

[Wheeler kicks off Midwest swing in Minnesota](#)

#### **COVID-19**

[What Monitoring Wastewater Tells Ohioans About COVID's Spread](#)

#### **Emissions**

[Court Severs Challenge to EPA's Mercury Emissions Limits Review](#)

[EPA Urges Court to Preserve Rollback of Methane Standards](#)

[U.S. EPA chief challenges California effort to mandate zero emission vehicles in 2035](#)

#### **Water**

[Anne Arundel County No Discharge Zone Receives Tentative EPA Approval](#)

[EXPLAINER: WHO REGULATES U.S. DRINKING WATER, AND HOW?](#)

Study: Mercury contained in fish from Alaska's Yukon River could exceed EPA human health standard by 2050

Two Wells for Drinking Water Near WA Naval Base Contaminated

United States Reaches Agreement to Protect New Orleans Waterways and Lake Pontchartrain

2 drinking water wells near Naval base contaminated

## **Agency**

Asbestos Enforcement: U.S. Environmental Protection Agency and State of Georgia Municipality Enter into Consent Agreement

The United States Environmental Protection Agency ("EPA") and Columbus Consolidated Government ("Columbus") entered into an August 18th Consent Agreement ("CA") addressing alleged violations of the federal asbestos regulations. See Docket No. CAA-04-2020-005(b).

The CA provides Columbus is a municipality operating in the State of Georgia and is stated to meet the definition of a "person" as defined in Section 302(e) of the Clean Air Act.

Columbus is stated to have hired a contractor SERVPRO of Columbus ("SERVPRO") to conduct renovation activity at a facility commencing on or around October 1, 2018. The purpose of the renovation was stated to have been to repair water leak damages.

The facility is described as an office building and meets the definition of a "Facility" in 40 C.F.R. § 61.1441.

Columbus is stated to have controlled, supervised, and/or owned the facility and had a responsibility for the renovation activities previously described. As a result, Columbus is stated to meet the definition of an "owner or operator of a renovation or demolition activity."

The CA states that based on Georgia Environmental Protection Division's investigation initiated on February 4, 2019, and an EPA follow-up communication with Columbus and SERVPRO that:

The Facility or portion of the Facility affected for asbestos-containing materials was not thoroughly inspected prior to beginning the renovation activity, as required by the regulations pertaining to asbestos found at 40 C.F.R. Part 61, Subpart M . . .

The CA provides that alleged violations of the following have occurred:

- Pursuant to 40 C.F.R. § 61.145(a), each owner or operator of a renovation or demolition activity is required to thoroughly inspect the Facility or portion of the Facility affected for asbestos-containing materials prior to beginning the demolition or renovation activity.
- Columbus is stated to have violated Section 1121 of the Clean Air Act and 40 C.F.R. § 61.145(a) by failing to conduct a thorough asbestos inspection of the Facility prior to conducting the renovation activity.

Columbus neither admits nor denies the factual allegations set forth in the Findings of Fact of the CA.

A civil penalty of \$4,487 is assessed.

A copy of the CA can be downloaded [here](#).

## **DID THE WHITE HOUSE STOP THE EPA FROM REGULATING PFAS?**

September 29 2020, 2:01 p.m.

Illustration: Soohie Cho/The Intercept

THE CHEMICALS ARE linked to cancer, reproductive and developmental harm, liver problems, and immune dysfunction. They stay in the body for years — and persist in the environment indefinitely. And they've contaminated thousands of sites around the country, including hundreds where the military used firefighting foam laced with the chemicals. Yet somehow the industrial compounds PFOS and PFOA — part of a family of chemicals called PFAS — are not hazardous, according to the Trump administration.

Trump's Environmental Protection Agency promised to designate the two chemicals as hazardous substances more than two years ago. And staff completed its work on the policy change in September of last year, according to agency insiders. But the proposed change to the law, which would help hold polluters liable for billions of dollars of costs of cleaning up the toxic chemicals, has stalled at the White House.

At a summit on the PFAS chemicals held on May 22, 2018, EPA Administrator Scott Pruitt pledged that the agency would designate PFOS and PFOA as “hazardous substances.” While seemingly a mere technical tweak, the change in the official categorization of the chemicals, which were used for nonstick coatings and in firefighting foam and have contaminated industrial areas and military sites, would help “to get accountability,” as Pruitt noted at the time.

“The PFAS Action Plan was just a plan to plan.”

Pruitt also said that the EPA would develop toxicity values for two other PFAS chemicals, GenX and PFBS, which were introduced as sustainable substitutes for PFOA and PFOS, respectively, but have since also been found to have contaminated water around the country and present many of the same health dangers as the chemicals they replaced. The development of the GenX and PFBS values, a critical step toward regulating the chemicals, was already underway and “should be done by December of this year,” Pruitt said back in 2018. While Pruitt resigned amid a swirl of ethical scandals three months after speaking at the summit, both commitments made it into the PFAS Action Plan, which the agency issued in February 2019 under the leadership of Pruitt’s successor, Andrew Wheeler. At the time of the plan’s release, the agency said that “EPA has already begun the regulatory development process for listing PFOA and PFOS as hazardous substances.” Wheeler described the 72-page document as “the most comprehensive cross-agency plan it has ever undertaken to address a chemical,” according to a CNN report, which explained that action items were “expected to take months to implement.”

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Yet almost two years later, the Trump administration has not finalized the hazardous substances designation for PFOA and PFOS, released the toxicity standards for the two chemicals, or taken several other steps promised in what it continues to tout as an aggressive plan to address PFAS pollution.

“This administration hasn’t taken a single action to reduce the ongoing emissions of PFAS, to clean up legacy PFAS pollution or any take any meaningful action to require water utilities to take PFAS out of the drinking water,” said Scott Faber, senior vice president for government affairs at the Environmental Working Group.

“The PFAS Action Plan was just a plan to plan.”

Asked about the delayed action on PFAS, a spokesperson for the EPA referred me to statements EPA administrator Wheeler made in a speech he delivered at the American Enterprise Institute last week. “The PFAS family of chemicals have been around since at least the 1950s and no administration ever took them on,” Wheeler said to the audience at the right-wing think tank. “In 2019 EPA took the historic step of creating a PFAS Action Plan that uses all our program offices to deal with this emerging chemical of concern.”

While several policy promises remain unfulfilled, some of the work necessary to make those changes was completed long ago, according former EPA staff members.

Jim Woolford, who was director of the EPA’s superfund program from 2006 until retiring in February, said that he and his colleagues began work on the rule that would have designated PFOS and PFOA as hazardous substances in the late spring of 2019. “I can’t tell you how many hours my staff put into that,” said Woolford, who described several months of late nights during which his team pulled together scientific research that provided the justification for the hazard designation and coordinated with other offices within the EPA. After several rounds of edits, his team handed in their final draft of the proposed regulation in September 2019. “Then it just sat there,” said Woolford.

Aggressive Delays

While the Trump EPA has openly expressed its derision for climate protections, the agency has fashioned itself as aggressively leading the fight for PFAS-polluted communities across the country. Yet even as the Trump administration is racing to finish some of its work in other areas, it is slow-walking promised changes to clean up PFAS contamination, according to environmental advocates.

The designation of PFAS as hazardous substances is a central focus of their criticism because it would be hugely consequential for polluted communities that have been unable to get polluters to pay to clean up the chemicals left behind from firefighting foam and industrial processes. If a chemical is deemed hazardous, its discovery automatically triggers an investigation and possible cleanup. Despite the fact that PFAS have been shown to persist indefinitely in nature and to cause multiple diseases, including cancer, PFAS still lack the designation, which gives agencies discretion over whether or not to clean them up. Critically, the hazardous substance designation would permit polluted communities to sue for cleanup costs.

In Oscoda, Michigan, near the Wurtsmith Air Force Base, PFOS-laden foam floats on lakes, and the fish are too contaminated to eat. Yet the Air Force has argued that, because the chemical isn't officially a hazardous substance, "the federal government is immune" from a state law that would have required them to clean up the highly polluted base to the state's legal standard.

"DoD will just not comply with it," said Anthony Spaniola, an attorney and activist with Need Our Water in Oscoda. While Spaniola waits for the EPA to make good on its pledge to designate PFOA and PFOS as hazardous, he has been trying to devise other strategies to compel the military to clean up the pollution. "But even when the Air Force treats you like dirt, suing them is really difficult," he said. "And every time we think we find a new legal avenue, it always leads back to the hazardous substances designation. We just can't get past it."

Read Our Complete Coverage [Bad Chemistry](#)

The military has pointed to the fact that PFAS aren't yet officially hazardous in justifying their decisions not to clean up the chemicals in other recent cases. In New Mexico, the Air Force challenged a state permit that defined PFAS as hazardous substances last year. And the Air Force defended its decision not to clean up PFAS pollution that was beyond the boundaries of three bases in Georgia because the chemicals aren't regulated. Asked about the pollution in Michigan, New Mexico, and Georgia, Air Force spokesperson Mark Kinkade emailed a statement that said, in part, "The Air Force is part of the communities where we serve, and we share community concerns about this issue. The Air Force has aggressively tackled PFOS/PFOA contamination of drinking water, and will continue to take action to protect drinking water."

While the statement acknowledged that the Air Force has already begun to address the releases of PFOS and PFOA "attributable to Air Force mission related activities," it pointed out, "We are not yet in the part of the process when determinations are made concerning risk and the need for and standards to be used for cleanup. Consequently no decisions concerning cleanup have yet been made. We recognize people have many concerns about potential contamination, and we will continue to partner in good faith with local communities, state regulatory authorities, federal interagency partners, and Congress to address unacceptable risks posed by PFOS/PFOA."

Kinkade's statement also noted that "the Air Force looks to the Department of Defense to determine if the standards are to be used as potential cleanup levels."

A statement from the Department of Defense in response to questions for this story said, "DoD has taken action to quickly address PFOS and PFOA in drinking water from DoD activities. No one is drinking water above the Environmental Protection Agency's lifetime health advisory level where DoD is the purveyor of the water. DOD continues to work closely with the EPA and other partners to gain a better understanding of PFAS, including support for EPA establishing objective, science-based regulatory standards under the federal clean up law."

Part of a filtration system designed to filter out PFAS from the drinking water supply in Horsham, Pa., on Aug. 22, 2019.

Photo: Bastiaan Slabbers/NurPhoto via Getty Images

The Navy has taken a similar tack in Horsham, Pennsylvania, where it halted the removal of contaminated soil from the former Naval Air Station Joint Reserve Base Willow Grove in June 2019. "There is no requirement to take the soil out," Gregory Preston, director of the Navy's Defense Base Closure and Realignment

Commission's Program Management Office East, said by way of explaining the decision. "There are no limits, there are no regulations."

Two suits filed by families living near the same base in Pennsylvania whose water was contaminated by PFAS-containing firefighting foam were dismissed in January because the chemicals aren't officially considered hazardous. The Navy pays when PFOA and PFOS are present in drinking water at levels above 70 parts per trillion — a nonbinding health advisory level the EPA set in 2016. But even though many experts feel that level is not low enough to protect health, the Navy and other branches of the military won't pay for providing clean water when there is contamination that doesn't meet that threshold. Some districts that do remove lower levels of the chemicals are often left shouldering the burden of those costs.

"In this community alone, the townships went out of pocket \$15 million," said Mark Cuker, an attorney who represented one of the families who sued the military over the contamination near the Pennsylvania base. Dozens of private well owners also had contamination that fell below the federal cutoff. "If it were a hazardous substance, they could have forced the Navy to provide bottled water, pay for a filtration system on their well, or connect them to public water," said Cuker. Instead, part of the cost of addressing the water contamination was covered by a \$10 million grant from the state — a solution Cuker said let the Navy off the hook.

"Why are the Pennsylvania taxpayers having to subsidize the cleanup of pollution that the Navy put into our community?" he asked.

A spokesperson for the Navy referred The Intercept to the Department of Defense response.

#### Tens of Billions at Stake

The thousands of sites polluted by military and industrial activity will cost tens of billions of dollars to clean up, according to experts. And the massive liability at stake both for the military and the chemical manufacturers is likely at the root of the failure to designate PFOA and PFOS as hazardous substances, said the Environmental Working Group's Faber.

"No one believes PFAS pollution is something that should remain in our soil and water," said Faber. "The only dispute is over who should pay for it. Should it be the companies that knowingly and secretly contaminated our water and soil for decades? Or should it solely be the taxpayers?"

Meanwhile, residents of contaminated communities across the country have expressed feeling powerless over polluters, the companies that stand to lose if the change is finalized have the administration's ear, according to Faber. "I'm confident that many of the industries who helped create the PFAS contamination crisis are also big donors to the campaign to reelect Donald Trump," he said.

Although corporations are barred from contributing to federal candidates' campaigns, the idea of holding companies liable for pollution is clearly of great interest to many large and influential corporations. 3M, DuPont, Chemours, and Daikin Industries were among the chemical manufacturers that lobbied on the PFAS Action Act, which was introduced in the House in 2019 and passed in January 2020. The bill calls for making PFOS and PFOA hazardous substances along with other steps to regulate the chemicals.

While there are questions about whether chemical manufacturers may dodge liability for PFAS pollution by using an exemption to the Superfund law for manufacturers of useful products, other companies are likely to find themselves on the hook for cleanup costs if PFOA and PFOS are deemed hazardous. Oil companies, which have used firefighting foam to put out fires at refineries and rigs, may also face costly suits. Royal Dutch Shell, Phillips 66, BP, ExxonMobil, and the American Petroleum Institute were among dozens of companies and trade associations that lobbied on the bill.

The EPA hasn't officially backed away from its plan for the hazardous designation, but in January the White House weighed in against the PFAS Action Act, which would have designated PFOS and PFOA as hazardous, the saying that it "would create considerable litigation risk, set problematic and unreasonable rulemaking timelines and precedents, and impose substantial, unwarranted costs on Federal, State, and local agencies and other key stakeholders in both the public and private sectors."

Some of the resistance to taking steps to regulate PFAS comes from the Department of Defense, according to Betsy Southerland, who worked at the EPA for 30 years and most recently served as director of science and

technology in the Office of Water. Southerland resigned in protest of industry influence over the agency in 2017. The Defense Department reacted badly to the EPA's release of a drinking water health advisory for PFOA and PFOS in 2016, according to Southerland, who oversaw the work on the health advisory. "DOD knew they had all this contamination, so they were furious," she said.

According to Southerland, those tensions influenced guidance for the cleanup of groundwater near contaminated sites, which the EPA committed to at the 2018 summit. Such guidance typically includes three numbers — two lower values to guide monitoring and standard cleanup as well as a third higher emergency threshold, which allows the EPA to immediately step in to protect people from dangerous drinking water. But the groundwater guidance the EPA released at the end of 2019 didn't include the crucial number that would allow the agency to take emergency action.

"When I saw that," Southerland said, "I thought: DOD won."

#### Regulatory Foot-Dragging

While it has issued a provisional toxicity value for PFBS to be used at Superfund sites, the EPA has yet to finalize the assessments of PFBS and GenX, which it released in draft form and shared with the White House Office of Management and Budget in November 2018. The delay sets back the process of setting binding limits the chemicals under the Safe Drinking Water and Clean Water Act, which are built on these toxicity values. Emily Donovan, who lives in Wilmington, North Carolina, where drinking water is polluted with GenX, has been eagerly anticipating those numbers for years. While she has been waiting, scientists have identified four other PFAS compounds from the same local plant that have been found both in the local drinking water and in the blood of people who drink that water. While the EPA hasn't finalized the GenX value, it has yet to even announce plans to assess the toxicity of these newer compounds, which has infuriated Donovan. "We are continually seeing our neighbors get sick and the EPA can't even figure out if the four new compounds in our blood in North Carolina are harmful," said Donovan, who dismissed the commitments made in the EPA's action plan as "propaganda."

Part of the two-year delay in finalizing the GenX and PFBS standards can be explained by additional scientific requirements the Trump administration has imposed on them, said Southerland.

Even though the draft values had undergone extensive peer review before they were issued in November 2018, the Trump administration sent them "back to the National Toxicology Program to make sure the studies were the appropriate," Southerland said. "They're looking for opportunities where they can challenge the scientific underpinnings."

The treatment of the draft assessments was in keeping with the Trump administration's foot-dragging approach to the chemicals, according to Southerland. "It's just been a struggle to get anything done on PFAS because OMB always tries to see if there's a way to challenge the science," she said, referring to the Office of Management and Budget, a division of the White House.

Asked about the delays, a spokesperson for OMB emailed the following statement: "Your question demonstrates your lack of understanding of the interagency review process. OMB facilitates interagency review. Nothing is being 'held up' and the Administration is executing on its PFAS plans across many more agencies than just EPA. Your view is also likely too narrow."

The glacial pace at which the agency is evaluating the toxicity of just these two chemicals bodes poorly for its ability to evaluate the more than 600 other PFAS compounds that are in active use, she said. "At that rate, it'll take us generations to do them all," said Southerland. "If that's the aggressive PFAS action plan that Wheeler touts all the time, then, wow. That's very disappointing."

#### EPA administrator ridicules California's proposed ban of new gas cars

SACRAMENTO, Calif. (AP) — U.S. Environmental Protection Agency chief Andrew Wheeler on Monday ridiculed California Gov. Gavin Newsom's plan to ban the sale of new gas-powered cars by 2035, saying the proposal raises "significant questions of legality."

Last week, Newsom signed an executive order directing state regulators to come up with rules that would ban the sale of all new gas-powered passenger cars and trucks by 2035. He said the plan will reduce greenhouse gas emissions by 35%.

On Monday, Wheeler sent Newsom a letter questioning how the state could add millions of electric vehicles despite having “a record of rolling blackouts.” He said it “begs the question of how you expect to run an electric car fleet that will come with significant increases in electricity demand, when you can’t even keep the lights on today.”

California had its first rolling blackouts in nearly 20 years last month when demand for electricity during a heat wave was so high the state ran out of power. More than half a million homes and businesses lost power for about an hour. The state came close to mandatory power shutoffs a few other times this year, but was able to avoid them.

“The truth is that if the state were driving 100 percent electric vehicles today, the state would be dealing with even worse power shortages than the ones that have already caused a series of otherwise preventable environmental and public health consequences,” Wheeler wrote.

The blackouts in August were complicated by a heat wave that blanketed much of the West, making it more difficult for California to purchase surplus power from other states. Newsom has ordered an investigation of the blackouts and has signed an emergency proclamation allowing more energy users and providers to tap into backup power.

Meanwhile, massive wildfires continue to burn across the state, aided in size and intensity by climate change. Newsom has said the fires have strengthened his resolve to combat climate change.

“While the Trump Administration tries to drive this country off a climate cliff, California is once again assuming the mantle of leadership in the fight against climate change,” said Newsom spokesman Jesse Melgar. “We aren’t going to back down from protecting our kids’ health and the air they breathe.”

#### U.S. EPA announces 2020 Safer Choice Partner of the Year award winners in California

As we celebrate 2020 Pollution Prevention (P2) week, the U.S. Environmental Protection Agency (EPA) is recognizing five California companies as Safer Choice Partner of the Year award winners. Nationally, they are among 18 winners across 10 states and the District of Columbia for achievement in the design, manufacture, selection, and use of products with safer chemicals. The winners’ efforts demonstrate and advance outstanding or innovative source reduction. The Safer Choice program helps consumers and purchasers find products for facilities such as schools and office buildings that perform and are safer for human health and the environment.

“We are pleased today to be recognizing the leadership and accomplishments of a diverse array of organizations over the past year,” said EPA Office of Chemical Safety and Pollution Prevention Assistant Administrator Alexandra Dapolito Dunn. “This year marks the 30th anniversary of the Pollution Prevention Act and the awardees have all contributed to source reduction, also known as pollution prevention, through the design, manufacture, selection, and use of products with safer chemicals.”

“Today we honor these California companies for promoting products that are safer for families, pets, communities and the environment,” said EPA Pacific Southwest Regional Administrator John Busterud. “Our Safer Choice Partners of the Year are demonstrating that safer chemicals are also good for business and the economy.”

The 2020 Partner of the Year award winners represent: businesses, including woman-owned and small- and medium-sized companies; federal and local government; and associations. The following California companies are being recognized as follows:

- Apple (Cupertino): Apple is being recognized for its efforts to advance the use of chemicals that meet Safer Choice criteria. Apple developed an internal Apple Safer Cleaner Criteria based on Safer Choice criteria, among other assessment tools, to determine the safer chemical status of chemicals used in its

manufacturing processes. In 2019, Apple assessed 33 new cleaners, bringing the total to more than 50 safer cleaner and degreaser alternatives approved for use in its supply chain.

- The Clorox Company (Oakland): Clorox has been a Safer Choice partner since 2007 and is being recognized as an outstanding Safer Choice Formulator-Product Manufacturer. In 2019, Clorox had two new products certified, bringing the total number of Safer Choice-certified products to 21.
- DuPont Nutrition & Biosciences (N&B) (Palo Alto): DuPont N&B is being recognized as an outstanding Safer Choice Innovator. DuPont N&B is a manufacturer of enzyme technology used by product manufacturers in Safer Choice-certified cleaning products. In 2019, DuPont N&B added eight new ingredients to a database of ingredients that are pre-approved for use in Safer Choice-certified products.
- **ECOS (Cypress):** ECOS has been a Safer Choice partner since 2008 and is being recognized as an outstanding Safer Choice Formulator-Product Manufacturer. In 2019, ECOS submitted 61% of their recognized formulas for renewal with the program, illustrating their continued commitment to and belief in Safer Choice. ECOS also increased their offering of Safer Choice-certified products in 2019, reaching a total of more than 140 products.
- Grove Collaborative (San Francisco): Grove Collaborative is being recognized as an outstanding Safer Choice Formulator-Product Manufacturer. In 2019, Grove Collaborative became a partner and certified all six soaps in their hand soap collection.

The additional organizations across the country are also winning awards this year:

- BASF Home Care and I & I Cleaning Solutions – Florham Park, N.J.
- Berkley Green – Uniontown, Pa.
- Defunkify – Eugene, Ore.
- Hazardous Waste Management Program – King County, Wash.
- Household & Commercial Products Association – Washington, D.C.
- Jelmar, LLC – Skokie, Ill.
- Lemi Shine – Austin, Texas
- Naval Supply Systems Command Weapons System Support – Mechanicsburg, Pa.
- PROSOCO – Lawrence, Kan.
- PurposeBuilt Brands – Gurnee, Ill.
- Sea Mar Community Health Centers – Seattle, Wash.
- Seventh Generation – Burlington, Vt.
- Wegmans Food Markets – Rochester, N.Y.

More information on the 2020 Safer Choice Partner of the Year award winners and summaries of the their accomplishments are available

#### Wheeler kicks off Midwest swing in Minnesota

*U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler kicked off his Midwest swing in Minnesota with a tour of Brownfield sites in St. Cloud where he announced over \$700,000 in a Brownfields 128(a) State and Tribal Grant, and \$320,000 in environmental justice grants to the greater Minneapolis area.* STANCHFIELD, Minn. — U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler kicked off his Midwest swing in Minnesota with a tour of Brownfield sites in St. Cloud where he announced over \$700,000 in a Brownfields 128(a) State and Tribal Grant, and \$320,000 in environmental justice grants to the greater Minneapolis area. Administrator Wheeler also joined U.S. Representative Pete Stauber (MN-08) in a meeting with agricultural partners at a local farm.

“Minnesota is at the forefront of environmental innovation and the city of St. Cloud and the Youthprise organization are no exception,” **said EPA Administrator Andrew Wheeler.** “Since 2016, St. Cloud has leveraged

Brownfields grants to dramatically redevelop its downtown core and eliminate urban blight, while Youthprise is developing America’s next generation of environmental stewards.”

“These grants will help ensure communities here, and across the state are able to address blight, and redevelop and revitalize their communities,” **said EPA Region 5 Administrator Kurt Thiede**. “Addressing environmental justice is a priority of this administration, and this award will help groups like Youthprise address these issues today, and are prepared to lead in the years ahead.

### **Environmental Justice Grants**

Administrator Wheeler announced \$320,000 in environmental justice grants for organizations and municipalities in the State of Minnesota. The first grant totaled \$120,000 and was awarded to Youthprise as part of the Environmental Justice Community Problem Solving Program. The project will address disparate environmental impacts and empower at-risk youth of color in North Minneapolis, Minn. It is one of 18 grants totaling \$2.1 million nationwide for community-led projects in economically and environmentally distressed areas.

The City of Minneapolis has been selected for the second environmental justice grant – totaling \$200,000 under the State Environmental Justice Cooperative Agreement Program. This funding specifically aims to help states and tribes improve the environment and public health conditions of low-income and minority communities disproportionately impacted by COVID-19.

Funding will be provided once all legal and administrative requirements are satisfied.

### **St. Cloud Brownfields**

Administrator Wheeler and Regional Administrator Thiede joined St. Cloud Mayor Dave Kleis to tour three Brownfields projects that are utilizing \$143,000 in EPA Brownfields grants: 5th Avenue Redevelopment, former Tech High School Catalyst Site, and Cooper Avenue and Division Street Catalyst Site. He also announced \$731,893 in Brownfields 128(a) State and Tribal Grant to Minnesota Pollution Control Agency to build capacity and conduct Brownfields work within the Land of 10,000 Lakes.

“I am grateful to the EPA, Administrator Andrew Wheeler, and to President Trump for this generous award for Minnesota’s Sixth Congressional

District. This outstanding development and investment in St. Cloud will create a more prosperous community for all residents of Central Minnesota. This would not have been possible without the support and advocacy of Mayor Dave Kleis, and a strong commitment to Minnesota from the EPA,” **said U.S. Congressman Tom Emmer (MN-06)**. “I look forward to continue working with them both as we move ahead with these projects.”

St. Cloud City Hall currently occupies a 90-year-old former school building at one corner of the primary intersection connecting historic downtown and St. Cloud State University. Private parties are prepared to redevelop City Hall and the adjacent blighted properties into mixed use projects at downtown densities. EPA Brownfields assessment grant funds have been utilized in this

Opportunity Zone to assess site and building conditions requiring remediation or removal during redevelopment.

Plans to convert the 100-year-old former Technical High School into City Hall and retain the remaining campus for development and open space were recently finalized using EPA Brownfields assessment grant dollars have been utilized to determine the necessary remediation to the existing site and building during renovation. Re-use of the now vacant building will complement recent reinvestment in Lake George, the adjoining neighborhood, and historic downtown St. Cloud.

“The Brownfields Assessment Grant program has provided the City and developers with vital information to foster redevelopment and investment in catalyst locations throughout the heart of the city,” **said St. Cloud Mayor Dave Kleis**.

Over the past five years EPA has awarded Brownfield grants totaling more than \$7 million to 11 communities and state agencies in Minnesota. Over that same time span EPA Brownfield funds have been used by Minnesota grantees to:

- Conduct 125 assessments
- Clean up 26 sites
- Prepare 52 properties for redevelopment
- Create or retain 2,986 jobs

- Leverage \$180,201,509 for cleanup and redevelopment

Under President Trump, EPA has delivered approximately \$287 million in Brownfields grants directly to communities and non-profits in need. In Fiscal Year 2020, 151 communities were selected to receive 155 grants totaling \$65.6 million in EPA Brownfields funding through our Assessment, Revolving Loan Fund, and Cleanup Grants. Of the selected communities, 118 can potentially assess or clean up brownfield sites in census tracts designated as federal Opportunity Zones.

#### **Farm Visit and FIFRA Grant**

Alongside U.S. Representative Pete Stauber (MN-08), the Minnesota Farm Bureau, and Future Farmers of America students, Administrator Wheeler and Regional Administration Thiede toured Don and Shaun Fiedler's Farm learning about their operations and conservation practices. They also met with local producers to discuss opportunities for future partnership and best conservation practices.

"Acting as good stewards of our land is of the utmost importance to Minnesota's farmers. That's why I was happy to join EPA Administrator Andrew Wheeler at a farm in Minnesota's Eighth Congressional District to see firsthand the important role local farmers play in preserving the environment and help announce a grant that will protect and empower our farmers as they continue this important work," **said U.S.**

Representative Pete Stauber (MN-08). "Agriculture is one of the top industries in our state, so I commend this Administration for working alongside myself and our farmers to address the issues that are most important to the agriculture community and I look forward to seeing this important partnership continue into the future."

"Minnesota Farm Bureau appreciates Administrator Wheeler spending time talking directly to farmers in Minnesota. From the RFS to clean water to crop protection tools, the work of EPA has a direct impact on Minnesota farmers and ranchers. We appreciate the Administrator's commitment to transparency in science and talking to those directly impacted as decisions are made. We look forward to continuing these discussions," **said Minnesota Farm Bureau Vice President Dan**

Glessing.

While at the farm in Stanchfield, Minn., Administrator Wheeler announced \$642,546 to the Minnesota Department of Agriculture under a Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) cooperative agreement to continue implementation of their pesticide regulatory and enforcement programs for Fiscal Year 2021. Under the FIFRA cooperative agreement, Minnesota will protect agricultural workers, surface and ground water resources and endangered species from exposure to pesticides of concern by conducting pesticide use inspections, enforcement, and compliance assistance; train and certify pesticide applicators; conducts education and outreach on pesticides use and regulations; implement pollinator protection activities; conduct surface water and groundwater monitoring for pesticides; and analyze pesticide residues

#### **COVID-19**

##### **What Monitoring Wastewater Tells Ohioans About COVID's Spread**

Ohio Gov. Mike DeWine has many data points to consider when looking at how the novel coronavirus is spreading throughout the state – the number of deaths, hospitalizations, and ICU admissions chief among them. But the state now has a new tool in its fight against the virus: wastewater.

That means health officials are studying sewer water for "gene copies" of the virus, as there is evidence that even asymptomatic persons can shed the virus into wastewater. This can help health officials study trends and provide a heads up on any possible surge of cases in one particular area.

As WVXU previously reported, the EPA since May has been studying samples from Cincinnati's Metropolitan Sewer District. During the governor's Tuesday coronavirus briefing, the Director of the Ohio Department of Rehabilitation and Correction Annette Chambers-Smith revealed the EPA had also reached out to her to do the same throughout Ohio's prisons.

*This story will be updated.*

#### **Emissions**

##### **Court Severs Challenge to EPA's Mercury Emissions Limits Review**

Sept. 29, 2020, 1:21 PM

- Court splits in three lawsuits against EPA's mercury review
- EPA said 2012 mercury limits adequately protect health

A federal appeals court agreed to split a lawsuit challenging the EPA's conclusion that the Obama-era power plant limits on mercury and other toxic air pollutants adequately protect health and thus need no further tightening.

The U.S. Court of Appeals for the District of Columbia Circuit agreed Monday to separate out the complaint that environmental groups filed over the Environmental Protection Agency's risk and technology review (RIN: 2060-AT99) of the 2012 mercury and air toxic standards.

The appeals court also said it would hold the proceedings in this challenge in abeyance until the EPA responds to the groups' petition to the agency to reconsider its review, Earthjustice attorney Neil Gormley, who is representing one of the parties, told Bloomberg Law Tuesday.

The D.C. Circuit also agreed to separately hear a challenge that Westmoreland Mining Holdings LLC, a Colorado-based coal company, filed against the 2012 standards themselves. This lawsuit will be held in abeyance until the court has resolved the pending challenges against the reworked justification for the limits themselves.

### **'Unreliable Data'**

A coalition of national, regional, and local environmental groups, led by Air Alliance Houston, in July challenged the EPA's conclusion of the risk and technology review. They claimed the agency used "unreliable data" that omitted the emissions of some dangerous pollutants, and understated others. Aside from reviewing the standards, the EPA in May also changed its justification for those mercury limits. The agency said the 2012 limits weren't appropriate or necessary because the costs of capturing mercury releases at power plants weren't justified by the health benefits, something other groups are challenging.

Westmoreland Mining's lawsuit, on the other hand, is urging EPA to withdraw the 2012 standards entirely on the basis of the agency's conclusion that the standards are no longer appropriate or necessary.

These two lawsuits are separate from the remaining five other challenges filed against the EPA's appropriate and necessary finding. The D.C. Circuit has now consolidated these five cases under Am. Acad. of Pediatrics v. Wheeler.

Sierra Club, one of the plaintiffs in the environmental groups' challenge, has received funding from Bloomberg Philanthropies, the charitable organization founded by Michael Bloomberg. Bloomberg Law is operated by entities controlled by Michael Bloomberg.

The cases in question are Westmoreland Mining Holdings LLC v. EPA, D.C. Cir., No. 20-1260, order 9/28/20 Air All. Houston v. EPA, D.C. Cir., No. 20-01268, order 9/28/20 and Am. Acad. of Pediatrics. v. Wheeler, D.C. Cir., No. 20-1221, order 9/28/20.

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### EPA Urges Court to Preserve Rollback of Methane Standards

The EPA is urging a federal court to leave intact the agency's rollback of methane standards for the oil and gas industry.

Justice Department lawyers representing the Environmental Protection Agency say legal attacks from states and environmentalists are unfounded and fail to meet the high legal bar for a court to freeze a regulatory move.

- "The Rule under review properly implements Congress's direction," they wrote in a brief filed late Monday in the U.S. Court of Appeals for the District of Columbia Circuit. "It recognizes that EPA has only the authority that Congress granted."
- The EPA published the rule in question earlier this month, scrapping Obama-era standards for emissions of methane—a potent greenhouse gas—from new oil and gas sites, and exempting transmission and storage sites from the remaining emissions standards for new sources in the industry.

- The D.C. Circuit issued a temporary freeze Sept. 17, a procedural move to allow each side to make its case for a longer-term suspension of the rescission. If the court rules against the EPA, the Obama-era restrictions are poised to stay in effect for at least several months while the court considers legal arguments for and against the rollback.

The case is California v. Wheeler, D.C. Cir., No. 20-1357, brief filed 9/28/20.

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## U.S. EPA chief challenges California effort to mandate zero emission vehicles in 2035 By David Shepardson and Nichola Groom

WASHINGTON/LOS ANGELES (Reuters) – The head of the U.S. Environmental Protection Agency (EPA) on Monday questioned California Governor Gavin Newsom’s plan to require all new passenger vehicle sales in 2035 be zero-emission models, according to a letter seen by Reuters.

EPA Administrator Andrew Wheeler said the plan “raises serious questions regarding its legality and practicality” and said it could cause problems for the state’s electrical grid.

Article continues below Advertisement...

He also declared the move could be subject to federal approval, saying it “may require California to request a waiver to U.S. EPA.”

The EPA in 2019 issued rules barring California from requiring the sale of electric vehicles; a court challenge is pending.

Wheeler’s exchange with Democratic-led California comes as Republican President Donald Trump seeks to win votes in Midwestern auto manufacturing states in the Nov. 3 presidential contest.

California’s 2035 clean car move, the most significant yet by a U.S. state aimed at ending the use of gasoline-burning internal combustion engines, clashes with Trump’s pro-fossil fuel policies.

California accounts for about 11% of all U.S. vehicle sales, and many states adopt its green vehicle mandates. The California Air Resources Board (CARB) must write binding regulations to implement the 2035 goal.

Newsom did not immediately comment.

In the letter, Wheeler held up the state’s recent rolling blackouts as evidence that its power grid could not support the ambitious plan, which would require millions more cars to run on electricity.

“California’s record of rolling blackouts – unprecedented in size and scope – coupled with recent requests to neighboring states for power begs the question of how you expect to run an electric car fleet that will come with significant increases in electricity demand, when you can’t even keep the lights on today,” Wheeler wrote.

California on two days last month imposed rolling blackouts on about 400,000 customers during an oppressive heat wave.

The state’s grid operator blamed outages on a gas plant suddenly dropping offline, low wind power and a lack of imported electricity from other states due to scorching temperatures across the West.

## Water

### Anne Arundel County No Discharge Zone Receives Tentative EPA Approval

The Maryland Department of Natural Resources (DNR) announced that the U.S. Environmental Protection Agency (EPA) has reviewed and tentatively approved a No Discharge Zone (NDZ) for Anne Arundel County waters. The application approval has been entered in the Federal Register and a public comment period is now underway until Oct. 23.

DNR and the Maryland Department of Environment applied to the EPA for this important protection of Anne Arundel County waters in May 2020. A No Discharge Zone is an area of water where the discharge of all boat sewage—including waste treated by certified onboard Type I or II marine sanitation devices — is prohibited. Discharge of raw or untreated sewage is already prohibited anywhere within three-miles of the U.S. Coast.

Type I and II marine sanitation devices treat waste to set standards and kill pathogens before discharging the remaining effluent overboard. Most recreational boats have installed holding tanks — Type III marine sanitation devices— and can empty them at one of more than 350 pumpout stations across the state. Boats with Type I or II marine sanitation devices can operate in No Discharge Zones provided the toilet — or head — is disabled while doing so.

Maryland sought NDZ designation for these waters due to a high concentration of boats, the presence of resources sensitive to boat sewage, a prevalence of water contact activities, and strong local support for added protection.

More information about pumpouts and No Discharge Zones in Maryland is available on the [DNR website](#). To report an inoperable pumpout station, citizens should email [pumpout@dnr.state.md.us](mailto:pumpout@dnr.state.md.us).

#### EXPLAINER: WHO REGULATES U.S. DRINKING WATER, AND HOW?

September 29, 2020 — Editor's note: This story is part of a nine-month investigation of drinking water contamination across the U.S. The series is supported by funding from the Park Foundation and Water Foundation. Read the launch story, "Thirsting for Solutions," [here](#).

Who's responsible for making sure the water you drink is safe? Ultimately, you are. But if you live in the U.S., a variety of federal, state and local entities are involved as well.

The Safe Drinking Water Act (SDWA) forms the foundation of federal oversight of public water systems — those that provide water to multiple homes or customers. Congress passed the landmark law in 1974 during a decade marked by accumulating evidence of cancer and other health damage caused by industrial chemicals that found their way into drinking water. The act authorized the U.S. Environmental Protection Agency for the first time to set national standards for contaminants in drinking water. The EPA has since developed standards for 91 contaminants, a medley of undesirable intruders that range from arsenic and nitrate to lead, copper and volatile organic chemicals like benzene.

In 1996, amendments to the SDWA revised the process for developing drinking water standards, which limit the levels of specific contaminants. Nearly a quarter century after those amendments, an increasing number of policymakers and public health advocates today argue that the act is failing its mission to protect public health and is once again in need of major revision.

##### Setting Limits

The process for setting federal drinking water contaminant limits, which is overseen by the EPA, was not designed to be speedy.

First, the EPA identifies a list of several dozen unregulated chemical and microbial contaminants that might be harmful. Then water utilities, which are in charge of water quality monitoring, test their treated water to see what shows up. The identification and testing is done on a five-year cycle. The EPA examines those results and, for at least five contaminants, as required by the SDWA, it determines whether a regulation is needed.

Three factors go into the decision: Is the contaminant harmful? Is it widespread at high levels? Will a regulation meaningfully reduce health risks? If the answer is "Yes" to all three, then a national standard will be forthcoming. Altogether, the process can take a decade or more from start to finish.

Usually, however, one of the three answers is "No." Since the 1996 amendments were passed, the EPA has not regulated any new contaminants through this process, though it has strengthened existing rules for arsenic, microbes and the chemical byproducts of drinking water disinfection. The agency did decide in 2011 that it should regulate perchlorate — which is used in explosives and rocket fuel and damages the thyroid — but reversed that decision in June 2020, claiming that the chemical is not widespread enough to warrant a national regulation.

Two other chemicals have recently advanced to the standard-writing stage. In February, EPA administrator Andrew Wheeler announced that the agency would regulate PFOA and PFOS, both members of the class of non-stick, flame-retarding chemicals known as PFAS. For those two chemicals, the EPA currently has issued a health advisory, which is a non-enforceable guideline.

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The act of writing a national standard introduces more calculations: health risks, cost of treatment to remove the contaminant from water and availability of treatment technology. Considering these, the EPA establishes what is known as a maximum contaminant level goal (MCLG), which is the level at which no one is expected to become ill from the contaminant over a lifetime. The agency then sets a standard as close to the goal as possible, taking treatment cost into account.

Standards, in the end, are not purely based on health protection and sometimes are higher than the MCLG. These standards, except for lead, apply to water as it leaves the treatment plant or moves throughout the distribution system. They do not apply to water from a home faucet, which could be compromised by old plumbing.

The EPA also has 15 “secondary” standards that relate to how water tastes and smells. Unless mandated by a state, utilities are not required to meet these standards.

Once the EPA sets a drinking water standard, the nation's roughly 50,000 community water systems — plus tens of thousands of schools, office buildings, gas stations and campgrounds that operate their own water systems — are obligated to test for the contaminant. If a regulated substance is found, system operators must treat the water so that contaminant concentrations fall below the standard.

#### Omissions and Nuances

That is the regulatory process at the federal level. But there are omissions and nuances.

One big omission is private wells. Water in wells that supply individual homes is not regulated by federal statute. Rather, private well owners are responsible for testing and treating their own well water. The U.S. Geological Survey estimates that about 15% of U.S. residents use a private well. Some states, such as New Jersey, require that private wells be tested for contaminants before a home is sold. County health departments might also have similar point-of-sale requirements.

The nuance comes at the state level. States generally carry out the day-to-day grunt work of gathering water quality data from utilities and enforcing action against violations. To gain this authority, they must set drinking water standards that are at least as protective as the federal ones. If they want, they can set stricter limits or regulate contaminants that the EPA has not touched.

State authority had long been uncontroversial because only a few states — California and some northeastern states — were setting their own standards. That has changed in the last few years as states, responding to public pressure in the absence of an EPA standard, began regulating PFAS compounds.

“There was always a little bit of state standards-setting,” says Alan Roberson, executive director of the Association of State Drinking Water Administrators, an umbrella group for state regulators. “But it's gone from a little bit to a lot.”

Six states — Massachusetts, Michigan, New Hampshire, New Jersey, New York and Vermont — adopted drinking water standards for certain PFAS compounds, while four others, including North Carolina and Minnesota, have issued health advisories or guidelines for groundwater cleanup.

States are also putting limits on other chemicals that the EPA has ignored. In July, New York adopted the nation's first drinking water standard for 1,4-dioxane, a synthetic chemical that was used before the 1990s as an additive to industrial solvents. The EPA deems it likely to cause cancer, but the agency has not regulated it in drinking water. In 2017, California approved a limit for 1,2,3-TCP, another manufactured industrial solvent that the EPA considers likely to be carcinogenic.

The burst of state standards, especially for PFAS chemicals, has raised eyebrows. Some lawmakers worry that mismatched standards are confusing to residents. New York and New Jersey, for instance, set different limits on PFOA and PFOS in drinking water.

“This can create poor risk communication and a crisis of confidence by the public who have diminished trust in their state’s standard when it fails to align with a neighboring state,” Rep. Paul Tonko of New York said during a House Energy and Commerce subcommittee hearing in July.

Other representatives countered with the view that the EPA should concentrate on a select number of the most concerning contaminants so as not to overwhelm utilities and states with too many rules that are too hastily put together. Rep. John Shimkus from Illinois, echoing statements made by other committee members, said he does not want a system in which “quantity makes quality.”

Tonko, however, argued that the federal process “has not worked,” pointing to the two-plus decades since a new contaminant was regulated.

This debate, and other considerations like regional drinking water standards, is likely to carry over into the next Congress.

#### Study: Mercury contained in fish from Alaska’s Yukon River could exceed EPA human health standard by 2050

The amount of mercury contained in fish from Alaska’s Yukon River could exceed the standards for human health set by the Environmental Protection Agency by 2050 if greenhouse gas emissions are not curbed, according to new research financed in part by NASA.

Under a high emissions scenario, the mercury content in the Yukon River could double by 2100.

The results, published earlier this month in *Nature Communications*, found that mercury emitted into the environment from thawing permafrost, which is exacerbated by carbon emissions, would compare to the earth’s current anthropogenic mercury emissions by 2200 if greenhouse gas emissions are not altered.

Permafrost contains almost twice as much mercury as other soils, the ocean, and the atmosphere all put together.

“What happens in the Arctic does not stay in the Arctic,” Kevin Schaefer, a lead researcher on the project and a scientist at the National Snow and Ice Data Center, said. “The mercury emissions from thawing permafrost could persist for centuries, impacting the environment both locally and globally.”

“If we can hit the Paris Accord target, we expect minimal impacts to mercury concentrations in fish and water. If we continue with unrestrained greenhouse gas emissions; however, it is likely that we will see large increases in mercury concentrations,” he added.

The study looked at both high- medium-, and low-carbon emissions scenarios and found that if the low-carbon emissions scenario plays out, mercury concentrations in the river would increase by only 14 percent, and wouldn’t exceed the levels set out by the Environmental Protection Agency by 2300.

“We need to comply with the Paris Accord target of 2 degrees Celsius. Otherwise, under a high emission scenario, a significant portion of mercury will be released to the environment, and it will continue for hundreds of years,” Yasin Elshorbany, co-author of the study, said.

#### Two Wells for Drinking Water Near WA Naval Base Contaminated

BREMERTON, Wash. (AP) — Two wells bordering Naval Base Kitsap’s southern edge have been found to have potentially harmful levels of contamination caused by a firefighting foam used on the base.

The Navy is expanding testing this fall to examine a larger area for its presence, the Kitsap Sun reported.

The results come from an initial round of water testing for perfluoroalkyl and polyfluoroalkyl substances, commonly known by their acronym, PFAS. A common chemical ingredient since the 1950s, PFAS have been found by the Environmental Protection Agency to be dangerous at certain levels in the bloodstream, raising risks for cancer and ill effects on the body’s immune and endocrine system and in human development.

Of the 292 wells sampled by the Navy in February, 83 showed some level of PFAS, the Navy said. Two wells were found to have more than 70 parts per trillion of PFAS compounds — an amount that triggers the EPA to issue a lifetime health advisory.

Residents who get water from those wells are being supplied with bottled water until the Navy can provide a permanent solution to the problem.

The Navy has hired a contractor to do the expanded testing starting in October, the Navy said. Around 400 letters have been sent to properties in that area.

The Navy believes PFAS got into the ground around the base following decades of deployment of an aqueous film-forming foam known as AFFF, used by firefighters on base for training and in emergencies. The Navy has discontinued its use in training on Bangor. PFAS are also found in items including cookware, furniture and rain jackets.

"The Navy is committed to being transparent during this testing process," Capt. Rich Rhinehart, Naval Base Kitsap's commanding officer, said. "We will continue to keep the public informed as new information becomes available."

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#### United States Reaches Agreement to Protect New Orleans Waterways and Lake Pontchartrain Churchill Downs Louisiana Horseracing Company will pay a record-setting \$2.7 million penalty

Today, the U.S. Environmental Protection Agency (EPA) and the Department of Justice announced a settlement with the Churchill Downs Louisiana Horseracing Company LLC, d/b/a Fair Grounds Corporation (Fair Grounds) that will resolve years of Clean Water Act (CWA) violations at its New Orleans racetrack. Under the settlement, Fair Grounds will eliminate unauthorized discharges of manure, urine and process wastewater through operational changes and construction projects at an estimated cost of \$5,600,000. The company also will pay a civil penalty of \$2,790,000, the largest ever paid by a concentrated animal feeding operation in a CWA matter.

"We are pleased to announce an agreement with Churchill Downs to address years of Clean Water Act violations at its Fair Grounds Racetrack in New Orleans," said Principal Deputy Assistant Attorney General Jonathan Brightbill of the Justice Department's Environment and Natural Resources Division. "This consent decree will stop the flow of untreated process wastewater into the local sewer system, which leads to local waters used for fishing and ultimately Lake Pontchartrain, in a way that recognizes the challenges presented by the racetrack's urban location."

"Safeguarding the environment is one of the highest priorities for the Department of Justice," said U.S. Attorney Peter G. Strasser for the Eastern District of Louisiana (EDLA). "The U.S. Attorney's Office, EDLA is committed to continue working with its federal partners to investigate and hold entities accountable when they neglect their professional and legal obligations and threaten the environment, which places the public and the ecosystem in Southeastern Louisiana at risk,"

"This consent decree will halt discharges of manure, urine, and contaminated wastewater from the Fair Grounds racetrack into the London Avenue Canal, which flows into Lake Pontchartrain," said Susan Bodine, EPA Assistant Administrator for the Office of Enforcement and Compliance Assurance. "As a result, we are protecting opportunities by the community to use these waters for fishing and other recreational activities." The United States' complaint alleges that Fair Grounds violated the CWA, including the terms and conditions of its Louisiana Pollutant Discharge Elimination System (LPDES) permit issued pursuant to Section 402 of the CWA. Specifically, the complaint alleges that, since at least 2012, Fair Grounds has regularly discharged untreated process wastewater into the New Orleans municipal separate storm sewer system, leading to the London Avenue Canal, Lake Pontchartrain, the Mississippi River, and ultimately to the Gulf of Mexico. Fair Grounds' permit prohibits any discharge unless there is a significant rain event (i.e., when 10 inches of rain falls in 24 hours).

In violation of their permit, Fair Grounds has discharged wastewater after as little as a half-inch of rain, as well as in dry weather. The complaint alleges that unauthorized discharges of contaminated wastewater occurred more than 250 times between 2012 and 2018. The untreated wastewater contains manure, urine, horse wash water, and other biological materials that are "pollutants" as defined by the CWA, the facility's permit, and the applicable EPA and Louisiana Department of Environmental Quality (LDEQ) regulations.

Fair Grounds is a horse racing facility located in New Orleans, Louisiana and is surrounded by residential neighborhoods that are considered environmental justice communities. The London Avenue Canal flows through neighborhoods that have been designated as opportunity zones.

The Fair Grounds' New Orleans racetrack is a large CAFO, and during a typical horse racing season, Fair Grounds stables as many as 1,800 horses or more at one time. The facility includes a 38.8-acre production area that includes stables, horse stall barns and receiving barns, horse wash racks, horse walkways, manure storage areas, and storage areas for raw materials. The facility also includes a one-mile dirt racetrack and a 7/8-mile turf racetrack, the infield area, the grandstand, the casino, and associated parking areas.

As part of the settlement, Fair Grounds will implement best management practices and construction projects designed to eliminate unauthorized discharges and ensure compliance with its permit and the CWA. Fair Grounds will also perform site-specific sampling, monitoring and hydraulic modeling to help the company and EPA determine whether the remedial actions required by the consent decree are successful in eliminating unauthorized discharges. Furthermore, the consent decree includes a provision requiring Fair Grounds to implement additional remedial measures if these measures do not successfully eliminate unauthorized discharges.

This case is precedential because it includes the highest civil penalty ever collected by the EPA in a CWA enforcement action against a CAFO. In addition, this case is part of EPA's National Compliance Initiative for Reducing Significant Noncompliance with National Pollutant Discharge Elimination System Permits. The settlement was lodged today in the U.S. District Court for the Eastern District of Louisiana and is subject to a 30-day public comment period. The penalty is due within 30 days of the effective date of the consent decree.

For more information about this settlement please visit: <https://www.epa.gov/enforcement/churchill-downs-louisiana-horseracing-company-llc-clean-water-act-settlement>

## 2 drinking water wells near Naval base contaminated

**BREMERTON, Wash.** - Two wells bordering Naval Base Kitsap's southern edge have been found to have potentially harmful levels of contamination caused by a firefighting foam used on the base.

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"The Navy is committed to being transparent during this testing process," Capt. Rich Rhinehart, Naval Base Kitsap's commanding officer, said. "We will continue to keep the public informed as new information becomes available."

## **Agency**

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[The Hill: EPA questions legality of California's attempt to phase out sales of gas-powered cars](#)

[Axios: EPA vs. California's new electric vehicle mandate](#)

[OilPrice: Is California's Gasoline Car Ban Legal?](#)

[PV Magazine: Morning Brief: Revenue streams of CAISO batteries, Entergy still on the gas, New Hampshire](#)

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[KXNet: Trump Satisfies N.D. Ethanol Industry but not Without Roiling Others](#)

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[ColumbiaBasinHerald: 2 wells for drinking water near Naval base contaminated](#)

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## **Environmental action, laws may face new hurdles on high court**

[https://www.bozemandailychronicle.com/ap\\_news/washington/environmental-action-laws-may-face-new-hurdles-on-high-court/article\\_9e24e01f-81ae-5a94-82e4-05e06b7b3189.html](https://www.bozemandailychronicle.com/ap_news/washington/environmental-action-laws-may-face-new-hurdles-on-high-court/article_9e24e01f-81ae-5a94-82e4-05e06b7b3189.html)

By Benjamin J. Hulac CQ-Roll Call (TNS)

Sep 29, 2020 Updated 1 min ago

WASHINGTON — A conservative supermajority on the Supreme Court could deal a crippling blow to environmental laws on the books, water down climate regulations tied up in court and make it harder to curb greenhouse gas emissions in the U.S., according to environmental law scholars and advocates.

A 6-3 conservative majority may also dissuade an administration under the leadership of Joe Biden, the Democratic candidate for president, from pursuing aggressive climate rules, experts said.

President Donald Trump's nominee to replace the late Justice Ruth Bader Ginsburg, who was a reliable supporter of stringent environmental oversight, Seventh Circuit Judge Amy Coney Barrett, does not have a deep judicial record on any topic, including environmental issues. The Senate confirmed her to the circuit court 55-43 in October 2017.

Barrett clerked for former conservative justice Antonin Scalia and holds a narrow view on who has legal standing to file federal lawsuits than more liberal colleagues.

Two majority opinions Barrett wrote on the Seventh Circuit, which covers Illinois, Indiana and Wisconsin, hint at her views on water law and legal standing. In June 2018, she signed an opinion that reversed an earlier ruling that found 13 acres of wetlands in Illinois fell under Clean Water Act protections. And in August she held, writing the majority opinion, that a citizen group challenging the location of the planned Obama Presidential Center in Chicago did not have legal standing. Experts pointed to a landmark case in 2000 that established a broad view of environmental groups' ability to sue.

Writing that year for a 7-2 majority, Ginsburg argued that it took fines — not just the possibility of fines — to discourage polluters from breaking the law.

“A would-be polluter may or may not be dissuaded by the existence of a remedy on the books, but a defendant once hit in its pocketbook will surely think twice before polluting again,” Ginsburg wrote for a majority in the case *Friends of the Earth v. Laidlaw*, which centered on a South Carolina waste company that operated without proper water permits.

“When she wrote for a 7-2 majority in 2000, we had a very different court,” Ryke Longest, a Duke University law professor, said of that ruling, adding that justices Clarence Thomas and Antonin Scalia dissented. Two decades later, the views of the two-person minority could become the majority stance.

Legal experts said the Supreme Court ruling that gave EPA the authority to regulate carbon emissions is also at risk under a court with Barrett.

When the court ruled 5-4 in 2007 on *Massachusetts v. EPA*, widely considered the most important climate lawsuit in American history, it found carbon dioxide, the most common greenhouse gas, is an air pollutant the agency has authority to regulate. The ruling laid the groundwork for a series of climate regulations during the Obama administration.

The only “yes” vote remaining from that case is Justice Steven Breyer. Experts say a conservative court could gut it or overturn it entirely.

“There’s a threat to *Massachusetts versus EPA*, and that existed when Ginsburg was on the court,” Karen Sokol, a law professor at Loyola University in New Orleans, said by phone. “If she is replaced by another conservative member, there’s a good chance it could get overturned.”

Under the Obama administration, the EPA and other federal agencies used environmental laws already on the books, like the Clean Air Act, as the legal foundations for regulations to lower power plant and automobile emissions, set national air-quality standards and protect wetlands.

Many of those efforts are now tied up in court, as the Trump administration works to weaken Obama-era rules. A 6-3 conservative court could effectively seal off that route for future administrations.

Legal experts said the Chevron Doctrine, the result of a 1984 Supreme Court ruling in which courts defer to agencies over ambiguous statutes, will likely come under further attack in a court where the center of power has shifted.

Kavanaugh, for example, has been critical of the Clean Air Act, calling it a “thin statute” in a 2016 case about the Clean Power Plan, an Obama-era rule to curb power-sector emissions.

“Even if he’s willing to defer to some of what some agencies do, it’s not going to be the EPA, it’s not going to be climate, it’s not going to be anything like that,” Sokol said of Kavanaugh, adding that the likely swing vote on environmental cases can be expected to be hostile to agencies tasked with protecting the environment, such as the EPA.

Rob Verchick, an environmental law professor who teaches in New Orleans at Loyola and Tulane universities, said Kavanaugh hews toward deference with agencies that deal with economic or financial matters. “But when it comes to agencies that are in charge of promoting government safeguards, whether it’s in the workplace, or whether it’s in the environment, or the air and water and communities, he tends to be very distrustful,” Verchick said in an interview.

“There’s a battle on the court right now about how much deference, how much trust one should put in an agency,” he said. “And I think Gorsuch and some others are kind of wondering whether or not the court should grant any kind of deference to agencies regardless of their expertise.”

Trump has been open about nominating judges who fit the conservative legal mold of Scalia, who was generally dismissive of climate science.

“If there’s a Biden administration, you have to know that you know that a lot of any regulations that come out are going to be challenged,” Jason Rylander, senior counsel at Defenders of Wildlife, said by phone. “Would they attempt something as sweeping as the Clean Power Plan, knowing that they’ve got a 6-to-3 court? I don’t know,” Rylander said. “It has a lot of ripple effects,” he said of a court without Ginsburg.

Rylander, Verchick and Longest predicted it could become more difficult for citizens to get to their cases heard in court.

Rylander said he is mulling if the Supreme Court “will make any decisions that curtail environmental group access to courts” or adopt steps that “ratchet up” the requirements to have legal standing in a lawsuit.

The justices are scheduled to hear oral arguments in two environmental cases this fall: Texas v. New Mexico, a case about water evaporation that dates to the 1960s is scheduled for Oct. 5, and on Nov. 2, a Freedom of Information Act lawsuit between the Sierra Club and the U.S. Fish and Wildlife Service over endangered species.

While environmental causes were not Ginsburg’s judicial lodestar, her passing, at the tail end of the first term of an administration that has sought systematically to weaken environmental regulations, came at a critical point. The Intergovernmental Panel on Climate Change, a leading international group of climate scientists, warned in a landmark 2018 report that humans have until 2030 to get global emissions under control and thwart temperatures from rising more than 1.5 degrees Celsius beyond pre-industrial levels, the threshold past which scientists say climate change gets significantly worse.

That gives the U.S., responsible for one-quarter of all historical greenhouse gas emissions, little time to ramp down its carbon footprint.

“It’s impossible to overstate the significance of this moment in time,” said Pat Parenteau, University of Vermont environmental law professor. The loss of Ginsburg is a massive blow to environmental protection, he said. Parenteau said the U.S. court system, “even with RBG,” was sealed off as a venue of tackling climate change at the scale and speed that science demands.

Still, he added, environmental lawyers can’t give in and should tailor their cases to lock down a Supreme Court majority, whatever the composition.

“You always have to try to figure out how you can craft whatever policy you’re working on with an eye to ‘Do I have five votes? How am I going to get five votes?’” he said.

Sambhav Sankar, an Earthjustice attorney, said he worries the court is losing its political independence when humanity faces an existential threat in climate change and as judges throughout the court system view climate science in a partisan lens.

“We are seeing across the judiciary, a willingness to poke around in the science that is sometimes really right, sometimes really wrong. But it’s really driven in a partisan way right now,” Sankar said in an interview.

After learning of Ginsburg’s death, Sankar, who clerked for Justice Sandra Day O’Connor, said he thought about his view that the Supreme Court’s independent image is slipping in the public eye.

“When I walked around that building, I felt like every person there had a vision of an institution that was a positive force in people’s lives,” Sankar said. “That they had their sense of themselves being not political, that it was a real institution, and that it had real legitimacy.”

“I felt like, for a teeny little flash of time, that I’d be part of one of the great institutions in this country,” he said. “I’m not sure if I was a clerk walking in today I’d feel the same way.”

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### **Is climate change a 'motivator' issue in the 2020 Senate elections?**

<https://yaleclimateconnections.org/2020/09/is-climate-change-a-motivator-issue-in-the-2020-senate-elections/>  
By [Jan Ellen Spiegel](#) | Tuesday, September 29, 2020

It wasn’t so long ago that the issue of climate change was poised to play a huge – possibly even a decisive – role in the 2020 election, especially in the race for control of the U.S. Senate. Many people supporting Democratic candidates saw a possible Democratic majority as a hedge against a potential Trump re-election ... a way to plug the firehose spray of more than 100 environmental regulation rollbacks and new anti-climate initiatives by the administration over its first term.

Then came COVID-19.

Now coupled with the singular issue of “Trump” and recently compounded by the death of Supreme Court Justice Ruth Bader Ginsburg, these matters may be sucking the air out of the room for 2020 election issues. So with weeks to go, will climate change manage to play any kind of specific role in the most competitive Senate races where policy details once upon a time counted?

The answer is – no, yes, maybe.

“Climate change does not seem to be a big issue in the key Senate races,” says Kyle Kondik, via email. He is managing editor of Sabato’s Crystal Ball at the University of Virginia Center for Politics. “Even the weather disasters of this summer – hurricanes and fires – are not necessarily easy to connect to climate change for voters.”

A Pew Research Center survey of registered voters from late June through early August had climate change second from last among a dozen issues voters considered very important. That was actually 10 percentage points lower than a similar survey had found before the 2016 election.

A Quinnipiac University poll of likely voters in the Maine, South Carolina, and Kentucky U.S. Senate races released September 16, two days before Ginsburg's death, showed climate change in single digits among the most important issue for voters. It was last or next to last in each of those state's Senate races.

Climate change 'clearly a motivator' for some potential voters, with 'power to move swing voters.'

That finding was underscored in a national presidential poll by Quinnipiac released September 23 in which climate change was next-to-last at 6% among likely voters as the most important issue.

So it would seem all the little details and nuances of each candidate's climate and environmental positions in the roughly 10 most competitive Senate races ... nope, those really don't matter right now. But let's be clear – they DID matter, especially in a few Democratic primaries, most notably Massachusetts Democratic Sen. Ed Markey's win over challenger Rep. Joe Kennedy III, in which Rep. Alexandria Ocasio-Cortez's (D-NY) support for Markey got him a lot of cred with climate activists.

And it's clear from surveys that people absolutely do care about climate change broadly. So there are those who think the issue of climate change could be a motivating force for select groups that in past elections have been either less than reliable voters or more persuadable voters. Their participation, some feel, could help push a few candidates over the top even given the "You're-either-with-Trump-or-against-Trump" mentality of the elections.

#### Potential climate voters

In a September 1 memo on climate and the election, Andrew Baumann, vice president of the consultants Global Strategy Group, wrote: "Few issues have seen as dramatic a shift in public opinion as climate change has over the last few years. Only marriage equality and the recent shift in views around racial justice outpace the rapid growth in the salience of climate change as an issue."

Calling it a "winning political issue" the memo says: "First, it is clearly a motivator for both younger and Latinx voters. Second, it has the power to move swing voters, particularly center-right white women."

Baumann points to a finding that when a group of such women were asked generic ballot questions, Democrats trailed by nine percentage points. But when the question was revised as a choice between:

"A Democrat who supports taking strong government action to combat climate change.  
A Republican who opposes taking strong government action to combat climate change."

... the result was a 29 percentage point shift, putting Democrats ahead by 20 percentage points among that same group.

"I think it is playing a role," says Senator Sheldon Whitehouse, D-RI, a longtime outspoken climate activist who is on the Senate Environment and Public Works Committee and also on the Senate Democrats' Special Committee on the Climate Crisis. If Democrats win back the Senate, he stands to play an even more pivotal climate role as part of the majority. He is not up for re-election this year.

“I think from the Democratic side it’s playing a role in generating enthusiasm – particularly making younger voters feel that they have a real stake in this election. On the Republican side, I think things have moved enough that candidates can no longer get away with simply scoffing about climate change.”

Climate a top concern for youths, Latinx

So who’s still thinking climate? Mostly young voters – 18 to 25 or 29 and Latinx voters.

Climate and the environment are the top concern among young voters, just above racism and healthcare according to CIRCLE, the Center for Information and Research on Civic Learning and Engagement at Tufts University, which focuses on the political life of young people in the U.S. For Latinx youth, it drops a bit but remains in the top three.

The issues young people care about have an impact on how they volunteer their time, says Kristian Lundberg, an associate researcher at CIRCLE. He says that’s played out most notably through the Sunrise Movement, which focuses on climate change and the environment along with other key activist groups such as Black Lives Matter and March for Our Lives.

He points to polling this summer that showed that 83% of 18-to-29-year-olds felt they had the power to change things. “Young people feel much more empowerment than in 2016 and 2018,” Lundberg says. “It’s intentional these movements are carving out space for young people. It’s an important strategy.”

In positions of power in these organizations, young people have developed peer-to-peer outreach on activism. And Lundberg says young people have made the leap that connects activism to voting as a lever for change. “In the past in very close races, young people breaking heavily have provided the margin of victory,” he says.

CIRCLE is highlighting 10 U.S. Senate races as ones in which young voters can be decisive. Several of them have notable climate or environmental components – most prominently the Colorado and Montana races.

The Republican incumbents in each state – Cory Gardner in Colorado and Steve Daines in Montana – are running against a popular Democratic governor – John Hickenlooper in Colorado, now out of office — and Steve Bullock, still the governor of Montana. Both governors have had to balance their state’s fossil fuel economic interests with supporting climate change solutions.

The Trump administration has given both GOP Senate incumbents some environmental gifts – the Great American Outdoors Act and establishment of an EPA Office of Mountains, Deserts and Plains in Colorado designed to help with cleanup of abandoned mines in both states. (There’s some question of whether that can be done without congressional approval.)

While both moves are more about land use than climate change, they give the two vulnerable Republican senators a bone to throw to their sizable outdoors enthusiast constituencies.

“Bullock has been no climate champion by any means,” says Emily LaShelle, a volunteer with Sunrise in Bozeman. But she’s out there working to get him elected anyway.

She believes if Bullock were to make a hard pivot to go all-in on climate, “young people would really turn out.”

The Trump administration has also thrown a gift to endangered Republican senators and swing states in the Southeast – a ban on offshore drilling from Florida through North Carolina; the latter state was added after the original ban through South Carolina was announced.

All those states had opposed offshore oil and gas drilling, which the Trump administration has advocated. Florida and North Carolina are considered presidential swing states and incumbent Republican senators in

North and South Carolina and Georgia are facing hard-fought races. So there's clearly some recognition that climate activists could make a difference.

### Tying climate change to the economy

In August, Data for Progress, a progressive research think tank, released polling on climate change – including in the battleground Senate elections in Arizona, Iowa, Maine, and North Carolina – showing voters back a Senate candidate supporting strong climate action.

Climate change as 'mobilizing issue ... key persuasion issue.'

It also showed that linking climate change to the economy may be key. That means talking about clean energy and jobs together, says Danielle Deiseroth, climate data analyst for [Data for Progress](#). She says that in addition to jobs, climate change issues include climate justice and economic equality – both of heightened interest because of fallout from western wildfires.

"Climate change, we've observed over the last year or so, is a key mobilizing issue and a key persuasion issue," she says. "Climate issues can only grow support for Democratic candidates.

"I think it's pretty naive to say climate is the key issue for voters. For a lot of voters it really exemplifies so many things that are wrong with the Trump presidency," Deiseroth says.

So a factor among others. Helpful, but pivotal only in narrow circumstances.

At the League of Conservation Voters, a progressive environmentalist organization putting a lot of money and effort into the 2020 races, Senior Director of Political Affairs Craig Auster says: "I'll push back that climate change doesn't matter or isn't registering."

"It's still showing up in several Senate races. It's been playing a role in almost all of them."

Candidates are still talking about it, he says, pointing to Colorado, Montana, Iowa, and other states where ads are addressing climate and environmental issues. That shows the candidates believe their opponent is vulnerable on the issue or they're strong on it, he says.

Like others, Auster calls climate a motivator.

"Climate change matters," he says. "We have proof point after proof point about what's happening, whether it's a hurricane, a superstorm, derechos in Iowa, or wildfires out west.

"Pre-COVID it was top tier for Democratic voters along with healthcare. If COVID didn't happen I think climate would be a big deal."

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### **Ruth Bader Ginsburg leaves environmental legacy**

<https://www.indianaenvironmentalreporter.org/posts/ruth-bader-ginsburg-leaves-environmental-legacy>

Timberly Ferree

September 29, 2020

Mostly known for her advancement of gender equality, the late U.S. Supreme Court Justice Ruth Bader Ginsburg was also known as a steady vote for [environmental interests](#) who argued before the high court.

She wrote opinions that created citizens' rights to sue polluters under the Clean Water Act and the government's right to regulate cross-state air pollution.

In 2014, she wrote a majority opinion supporting the EPA's Clean Air Act rule requiring 28 states to slash power plant emissions that cross their borders. This ruling revived a 2011 EPA rule known as the Cross-State Air Pollution Rule and urged 28 states to start reducing their emissions.

She also authored the majority ruling that re-confirmed the EPA's jurisdiction over greenhouse gas emissions in American Electric Co., Inc. v. Connecticut.

In this case, eight states alleged that four utility companies were a public nuisance because their CO2 emissions contributed to climate change. The companies argued that the EPA, not states, should oversee emissions standards. The court unanimously agreed that regulations on carbon emissions should be determined by the EPA by way of the Clean Air Act.

The historical case, Massachusetts v. EPA, which saw Ginsburg in the majority, found that the federal government has the authority to regulate greenhouse gas emissions as "air pollutants" under the Clean Air Act and was the high court's first-ever ruling on climate change.

Before her appointment to the U.S. Supreme Court, Ginsburg served on the U.S. Court of Appeals for the District of Columbia Circuit after she was appointed by former President Carter.

Ginsburg started her career in academia. She taught at Rutgers University and her alma mater Columbia Law School, where she transferred from Harvard Law School after her husband, Martin Ginsburg, took a job in New York City.

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### Trump vs. Biden on the issues: Climate change and the environment

<https://www.weisradio.com/trump-vs-biden-on-the-issues-climate-change-and-the-environment/>

By JULIA JACOBO, ABC News

29 Sep 2020

(WASHINGTON) — Climate change — a hot-button topic for years — has taken on renewed significance ahead of the 2020 presidential election, with wildfires decimating the West, tropical storms pounding the Gulf Coast and year after year of record temperatures.

Both President Donald Trump and Democratic candidate Joe Biden largely toe their respective party lines when it comes to issues pertaining to environmental policy.

Throughout his presidency, Trump reversed many American commitments to mitigating climate change, most notably pulling out of the Paris Agreement, removing clean water protections and seeking to fast track environmental reviews of dozens of major energy and infrastructure projects, such as drilling, fuel pipelines and wind farms.

Biden has countered the Trump administration's policies by promising to protect the environment with a proposed a \$5 trillion plan.

Here is where each candidate stands on the issues:

## Water pollution

The Trump administration considers drinking water quality around the world a bigger crisis than climate change, Environmental Protection Agency (EPA) Chief Andrew Wheeler said in April. Safe drinking water, plastic pollution and other litter in the oceans, drought in western states and water infrastructure are “the largest and most immediate environmental and public health issues affecting the world right now,” Wheeler said in remarks in Washington on World Water Day.

However, in January Trump removed Obama-era clean water protections intended to protect rivers, streams, wetlands and other bodies of water from pollution and runoff from industrial facilities and agriculture. The move finalized Trump’s signature campaign promises to farmers and others who claimed the regulations were too burdensome.

Under the EPA’s new rules, the federal government no longer protects streams that only flow during some parts of the year or after heavy rain, or wetlands that are not connected to larger bodies of water. Federal protections for navigable waters such as major rivers and lakes and any tributaries and wetlands that flow directly into them remained.

Biden has pledged to ensure all communities have safe drinking water and to prevent pollution of water in vulnerable communities — such as Flint, Michigan — by taking action against fossil fuel companies “and other polluters” that “put profit over people” by knowingly harming the environment or conceal information regarding potential environmental and health risks, according to his campaign website.

In addition, during his time in the Senate, Biden co-sponsored the Ocean-Dumping Ban Act of 1988, which prohibited dumping sewage, sludge and industrial waste.

## Climate change’s effect on natural disasters

While visiting California amid devastating wildfires raging up and down the West Coast earlier this month, Trump expressed skepticism that climate change was to blame.

“It’ll start getting cooler,” Trump told California’s Secretary for Natural Resources Wade Crowfoot. “You just — you just watch.”

Crowfoot appeared stunned when he replied, “I wish science agreed with you,” to which Trump retorted, “I don’t think science knows actually.” Trump’s repeated attacks on scientists and science have drawn scorn and alarm from the community.

In 2018, Trump said he didn’t “believe” a major federal report’s findings — from 300 experts, including from 13 federal agencies — that climate change would hurt the economy.

Biden blasted Trump for his comments about the California fires during a speech in Wilmington, Delaware, centered around his plans to combat climate change and how the effect is worsening extreme weather events around the world.

“If you give a climate arsonist four more years in the White House, why would anyone be surprised if we have more of America ablaze? If you give a climate denier four more years in the White House, why would anyone be surprised when more of America is underwater?” Biden said.

Biden is supporting the Green New Deal, a sweeping proposal by Democrats that suggests dramatic solutions in response to alarming findings of recent climate change reports, solutions such as bringing carbon emissions all the way down to net-zero.

Biden's plan to address the climate emergency would aspire to a 100% clean energy economy and reaching net-zero emissions no later than 2050, according to his campaign website.

## Drilling

Trump's policies have largely gravitated toward an expansion of oil and gas drilling.

His administration sought in 2018 to open 90% of coastal areas under federal control for offshore drilling, but that plan was put on hold in 2019 after a legal decision stating that a ban of offshore drilling in some areas, which was put in place by former President Obama, could not be lifted.

In August, Interior Secretary David Bernhardt announced that the administration would allow oil and gas drilling on more than 1.5 million acres on the coast of the Arctic National Wildlife Refuge. While the plan included restrictions to protect wildlife in the area, it came after decades of controversy over concern that the drilling would disrupt the pristine wilderness and native tribes in the area.

Biden has promised on his campaign website to pursue a global moratorium on offshore drilling and reminded voters that under the Obama-Biden administration large parts of the Atlantic and Arctic Oceans were banned for drilling.

The Democratic nominee supports banning new oil and gas permits on federal land. The ban would include fracking, according to his campaign.

## Deregulation

One of Trump's campaign promises during the 2016 election was to roll back environmental regulations put in place by the Obama administration.

The EPA spent its first year under Trump carrying out executive orders to repeal regulations and reexamining landmark environmental policies. It also began a process to repeal the Clean Power Plan, which would impose restrictions on greenhouse gas emissions from power plants.

The administration also lowered fuel economy goals, took away California's ability to set its own emissions standards and changed methane venting and flaring rules, according to the Brookings Institution.

Trump "remains committed" to expanding energy production in the U.S., the White House announced last year.

Biden has proposed an ambitious solution for the production of clean energy, which would involve a \$1.7 trillion investment in clean energy over the next 10 years and move the nation rapidly toward a quick reduction of its reliance on fossil fuels.

The plan would also include establishing an Environmental and Climate Justice Division within the Department of Justice and overhauling the EPA External Civil Rights Compliance Office, as part of a path to overhaul the government's current environmental justice policy, to bring justice to those most impacted by climate change.

Working with other countries to cut down on emissions

Trump first announced in 2017 that he would remove the U.S. from the Paris Agreement, the accord created by the United Nations Framework Convention on Climate Change in December 2015 with a goal to ensure that global temperatures do not increase more than 2 degrees Celsius (3.6 degrees Fahrenheit) above pre-industrial levels, which the U.N. refers to as the period between 1850 and 1900.

Trump criticized the agreement, stating it imposed an unfair burden on the U.S. and that it has done little to slow down emissions from other countries.

The withdrawal will take effect on Nov. 4 — one day after the presidential election.

Trump is on track to preside over one of America's sharpest drops in fossil fuel emissions — 10% for 2020, according to a projection by the Energy Information Administration. That decrease, which the EIA says is due to the COVID-19 pandemic, represents the largest drop since the 2008 recession, which saw a 7.3% decline.

Biden's campaign website says the candidate will "rally the rest of the world to meet the threat of climate change" and recommit the U.S. to the Paris Agreement.

"He will lead an effort to get every major country to ramp up the ambition of their domestic climate targets," the website states. "He will make sure those commitments are transparent and enforceable, and stop countries from cheating by using America's economic leverage and power of example."

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### **An Early Commercial Stage Ag-Tech Disruptor: Bee Vectoring Technologies**

<https://seekingalpha.com/article/4376831-early-commercial-stage-ag-tech-disruptor-bee-vectoring-technologies>

By Sergio Heiber

Sep. 29, 2020 11:18 AM ET

#### Summary

Bee Vectoring Technologies is a disrupter in the farming industry.

This is the only company to have gained regulatory approval for a bee delivered fungicide.

The company is seeking global regulatory approval and local partnerships while it develops its U.S. foothold subsequent to recent U.S. regulatory approval.

The initial commercialization of blueberry and strawberry bee vectoring can be expanded to other crops.

BVD is working on expanding its revenue stream by establishing partners for third party sales and by creating a global sales network.

Please note that all dollar figures in this article are in Canadian dollars unless otherwise noted.

Bee Vectoring Technologies (OTCQB:[OTCQB:BEVVF](#)) (CSX:[BEE](#)) is the first company to be given approval by the EPA for [bee vectoring](#). BVT is authorized to market a fungicide for commercial crops to be delivered by bees and to make validated claims on their ability to mitigate crop disease, improve crop yields and reduce costs for growers

BVT is in the early stages of commercializing their technology and disrupting the farming industry. The company has produced its first revenue by entering into several commercial pilot programs for blueberries and strawberries in the U.S. Currently BVT offers just one product that is applied to two crops in one country, but that will expand widely according to the company's plans. In this article I will review how the company is progressing on each portion of their strategy which includes:

Establishing their technology.

Winning commercial pilot projects for blueberries and strawberries.

Expanding use of their technology to other crops.

Developing new products

Developing partnerships with third party biologic companies.

Gaining global regulatory approval.

Establishing profitability.

Widening the moat.

Technology

BVT has spent 20 years developing, researching and now marketing their product which is protected by over 100 patents and patents pending with the latest patent approval coming from the European authorities.

Tiny dispensers filled with non toxic, organic pesticides and fertilizers in powder form are placed in commercial bumblebee and commercial honeybee hives. The company has developed and patented "Vectorite" which attaches the dispensers to the bees as they exit the hives and the powder falls as the bees pollinate the flowers. The bees carry pollen back to the hive and repeat the process thousands of times per day, efficiently powdering almost every flower.

BVT has also patented CR-7 which is made up of common organic fungus and is used for disease protection against Botrytis and Scierotinia and other crop diseases as well as for increasing crop yield. CR-7 powder that falls to the ground decomposes within 48 hours and has no harmful effect to humans. Because BVT products are not harmful to humans, the EPA granted a residue tolerance exemption which allows for import and export to be conducted without testing. This will come into play for the company as it gains customers harvesting in Mexico for export into the U.S. in the near future.

The application saves growers thousands of dollars per acre because it does not require the use of water, reduces and controls disease, provides for harvests that are more bountiful with crops that enjoy longer shelf life and eliminates down time as experienced with inorganic chemical applications which can be harmful to humans for hours after application. The company claims in the investor presentation that it saves strawberry farmers over \$4,000 per acre.

BVT introduced a patented computerized hive system late last year which dispenses doses on a prescribed as needed basis, further reducing waste and cost.

Pilot Programs

The company didn't waste any time in securing its first customers after winning EPA approval in August last year. Two Tier 1 Florida strawberry companies signed pilot contracts. Florida strawberry seeding starts in October with the plants flowering in November and harvested from December through March. The company also signed on 15 blueberry growers in Georgia, North Carolina, South Carolina and Florida where the start blooming in February and harvest are in the Spring and Summer.

The company does not expect much new Florida strawberry grower expansion as these farmers are under tremendous pressure to survive due to competition from Mexico but did add blueberry farms in the states of Michigan, Oregon and Washington for new pilot programs. U.S. blueberry growers generally use bees for pollination so expansion into utilizing bees for disease control and fertilization was a natural progression. BVT has penetration into over 80% of the U.S. blueberry acreage after just one year of introduction.

BVT enters into pilot program contracts for a small portion of a farm and progressively increases the total area under contract but contracts are per season. A good example is Major League Blueberries in Georgia which started with 5 acres in 2018, expanded to 45 acres in 2019 and the entire farm this year. We are now nearing the start of a second season since EPA approval. During a recent conversation I had with CEO Ashish Malik he revealed that the company is targeting a 300% increase over the approximately 900 acres under contract for the 2019/2020 season.

#### Future Expansion

The company has began commercial projects with just two crops; strawberries and blueberries. There are many other crop types that BVT plans to capture market share for in the future as well as expansion of blueberry and strawberry projects into new countries.

New research has recently began in Canadian blueberries which data will be compiled for an application for Canadian regulatory approval and in New Jersey and Massachusetts new research approved by the USDA has begun on cranberries. Canada is the world's second leading blueberry manufacturer and exporter behind the U.S. Cranberries represent entry into a new crop. The U.S. produces 98% of the world's cranberries. Another new crop test is being conducted for sunflower seeds funded by the University of North Dakota.

BVT is also developing a CR-7 spray for crops that do not flower such as corn as well as testing CR-7 feasibility for seed and soil spraying which would increase the addressable market.

#### Partnerships

BVT has a global technology sharing agreement with Biobest Group NV of Belgium for reciprocal access for sharing of their bee technologies and has partnered with the leading commercial bee companies such as BioBee, Koppert and Aggrovio in order to gain access to farms familiar with using bees to pollinate their crops. Several powders can be "stacked" in the Vectorite dispensers to treat multiple crop issues simultaneously. BVT is seeking to widen its revenue stream by adding third party bio-control powders to its bee delivery system and is currently testing six third party powders such as using Beauveria for controlling Thrips, a common virus that threatens virtually all greenhouse crops.

BVT just announced that it has successfully completed Phase II testing with potential third party partners. Management expects that the testing will lead to new revenue streams in 2022. The worldwide TAM for these products is US \$5 billion out of a US \$240 billion dollar global fertilizer and crop protection market according to the press release out of a total \$17 billion TAM opportunity for the company per another press release where the CEO said:

the market opportunity for bee-vectored CR-7 to replace traditional fungicides and insecticides in flowering crops is \$2.5-billion in the U.S. and \$2.5-billion outside the U.S. Foliar, soil drench and seed applied CR-7 represents a \$17-billion market opportunity globally, he adds.

We are currently in discussions with some 15 potential go-to-market partners to license commercial rights to CR-7 in selected markets, deliver third party bioagents using our technology and market extensions for CR-7 formulations applied to foliar and seed treatments.”

#### Global Regulatory Approval

BVT received U.S. EPA approval in 2019 to commercialize its fungicide product. It is the first company to receive EPA approval for the use of bees for delivery of a crop fertilization and disease control substance.

The company filed for California regulatory approval in 2017. California requires its own approval beyond the EPA process and represents the largest market opportunity for BVT with 1.4 million acres of almond farms pollinated by bees. California supplies 100% of the U.S. almond consumption and 70% of the world demand and an abundance of all types of farms. CEO Malik informed me that California does not provide a timeline for their process as does the EPA but that he expects that BVT is nearing the end of the process in California.

Management seeks to establish a global footprint and has proceeded to register in countries where the process is likely to take less time and be less expensive. Plans to apply in the E.U. have been slated for next year. Since the E.U. involves multiple countries, the process is expected to last two years and cost in the neighborhood of a million dollars.

Approval is pending in Mexico, Switzerland and Morocco. While approval is pending, BVT continues to perform numerous demonstrations in all three of these countries and has established operations in Switzerland with an R&D center, office space and land leased to a local farmer for demonstrations. Mexico is of interest because of its competitive cost advantage in strawberries and for expansion into tomatoes. Morocco is of interest because it has a ten month growing season. Switzerland is a strategic first step into the European market.

The company plans to obtain regulatory approval on a global basis but not necessarily to populate each country where it gains approval with sales staff. Instead, a sales network will be established by partnering with local companies and collecting royalties.

#### Share Structure

There are 92.1 million shares outstanding, 21.4 million warrants and 12.2 million exercisable options for a fully diluted share count of 125.7 million as of June 30 per the Q3 earnings report, resulting in a market cap of about \$28 million. Insiders own about 13% of the shares.

#### Outstanding Warrants:

Strike Price	Number	Expiry Date
\$0.35	10,984,000	3/28/21
\$0.40	4,242,104	4/23/21
\$0.45	3,047,647	5/28/21
\$0.54	2,029,326	5/19/22

\$0.55	1,111,111	6/30/22
	21,414,188	

### 3Q Financial Report

#### Outstanding Exercisable Options

Number	Strike Price	Expiry Date
50,000	\$0.285	6/30/25
1,580,000	\$0.285	7/6/25
275,000	\$0.43	11/16/2020
325,000	\$0.50	6/3/2021
1,000,000	\$0.32	8/30/26
100,000	\$0.32	10/21/21
200,000	\$0.25	4/21/22
365,000	\$0.25	3/1/23
600,000	\$0.25	3/28/23
200,000	\$0.25	4/25/23
25,000	\$0.16	2/7/24
1,775,083	\$0.20	3/22/24
50,000	\$0.24	9/16/24
5,750,000	\$0.31	10/30/24
12,171,672		

#### Financials

The company had a loss of (\$0.06) per share or \$4,647,114. This is the first year that BVT has reported revenues with \$291,859 for the first three quarters. Working capital of \$0.6 million and cash of about \$0.8 million was reported as of the end of the June. The company is practically debt free except for \$30K that must be paid back within two years on a government pandemic relief loan. BVT secured a \$6 million available line of credit in April which should be sufficient to fund operations until next year.

Reported gross margins are about 40%. I asked CEO Malik if we can expect margin improvements. Mr. Malik believes that the company can achieve gross margins as high as 70% by reducing costs which will materialize as

the company scales and becomes more efficient in their supply chain. Looking over the numbers, there is obvious room for improvement as the cost of inventory was 60% of revenue.

For the first 3 Quarters 2020:

Sales	\$291,859
Inventory	\$176,584
Gross Profit	\$115,275
Expenses	
Office and General	\$1,238,377
Investor and Public Relations	\$1,059,130
Sales, Advertising and Marketing	\$ 308,990
Stock Option Plan	\$1,871,673
Trials, Research and Development	\$ 283,711
Foreign Exchange Loss	\$ 21,228
Net Loss	(\$4,647,114)

Source: 3Q Financial Report

Cash received from financing for first 3 Quarters:

Issuance of Special Warrants	\$1,806,741
Net Proceeds From Issue of Units	\$ 989,857
Proceeds from government pandemic relief loans	\$ 81,508
Exercised Options And Warrants	\$1,116,125
Net received	\$3,994,231

From 3Q Financial Report

It is almost certain that the company will need to raise capital next year and c until it scales revenues sufficiently to make a profit. Some of the funding needed will come from option and warrant exercise, depending on the stock share price. The key metric to watch will be if revenue growth is outpacing outstanding share growth which is a negative.

CEO Ashish said that the company has used only about \$600K from the \$6 million line of credit. This line of credit is based on equity and is not debt. Mr. Ashish believes that the financier sells the shares, creating pressure on the stock price and explained that the company is working to refinance with a family office and institutional ag funds for better financing terms and for funding from a source that is likely to retain the shares as an

investor. This type of funding will point the way to an uplisting to Nasdaq in the next year or two as a requirement for the funding.

## Valuation And Road To Profitability

BVT earns money on a per acre and per hive unit basis. Blueberries require just one hive per acre while strawberries start with one hive and end the flowering season with two hives. The company charges on average of \$250 per acre for each hive for blueberry farms.

Applying the company's target of tripling acreage for the upcoming season results in revenue for the next year of about \$900K which results in a price to sales multiple of just 30X. This is a start-up, so I'll conclude that the stock is currently fairly priced.

Margin improvement and increasing revenues as new territories are commercialized and new partnerships formed will lead to profitability as early as perhaps 2022. Projecting continued growth at 300% for 2022, results in revenue of \$2.7 million. Applying a gross profit margin ratio of 60% and diluting shares by 10% for more than likely a capital raise between now and 2022 results in a price to sales ratio of 10X with a gross profit of \$1.7 million. That's two years out and if potential positives develop.

## Tailwinds

Chemical pesticides have been known to be harmful to bees if too much of the chemical is brought back to the hives. C-17 is composed of natural ingredients that are natural and unharmed to bees.

Farming tends to be a high volume, low margin business. BVT's technology increases the volume and improves the margin by lowering costs and increasing yield.

The amount of people in the world keeps increasing so more food will be necessary. There's also a growing demand for organic food which is considered healthier. U.S. farmers have been unable to keep up with demand which has resulted in the majority of organic food consumed in the U.S. being imported from other countries.

In 2017, despite the trend towards organics, only 1% of U.S. farms were deemed organic. When the USDA conducts its survey this year, I believe that we will see a much larger percentage of U.S. farms are now organic. It's not that U.S. farmers have been slow to react to the demand. It takes three years of organic farming in order to be certified organic by the U.S.D.A.

## Barrier To Entry

BVT began development of its technology 20 years ago and has conducted crop research for 11 years in partnerships with universities with approval from the U.S. Dept. of Agriculture and similar agencies in other countries. According to the investor presentation, it costs more than \$280 million to bring a new crop protection to market. A competitor would need funding, have to conduct university crop trials, perform grower demos, obtain regulatory approval over a period of many years and then win customers in order to compete with BVT.

## Management

CEO Ashish Malik has 18 years of management experience working at global crop giants such as Bayer and Syngenta as well as ag-tech startups. The rest of the management team has a combined experience in the agricultural industry exceeding 100 years.

## Risks

The company does not have a direct competitor that offers a similar product but does compete with other technologies such as robots and drones. There is no guarantee that the company's technology will succeed. Current applications offered are for only the flowering stage of crops that flower. The company hasn't proven it will be able to expand its offering to crops that do not flower or be successful in obtaining partners for such an endeavor. BVT is dependent on an ample supply of commercial bees being available as they scale as each bumblebee hive requires 300 bees and 20,000 for a honeybee hive.

Each time the company is successful in registering their technology in a new jurisdiction, studies will be needed to prove feasibility due to different climate and soil conditions. The company will also need to register any third party partnerships that result in a new use for a previously approved crop fertilizer. The company will also need to find partners for new uses for their product such as a spray version of CR-7 for seeds since they are not a seed spraying company. All of this will take time and not occur as fast as the company's success in U.S blueberry farms.

Revenue will be lumpy until the company gains more customers in numerous locations throughout the world as the company is currently paid during the flowering season for blueberries and strawberries. For the upcoming fourth quarter there will be no new revenue.

This is a start-up company that has gotten off to a good start in its initial commercialization but start-up companies often experience bumps in the road.

This is a micro-cap start-up company and subject to more volatility than a large cap stock due to the low volume and low float. I tend to start with a small position in this type of stock and add-on shares over time if progress is made as forecasted by management and hold shares for many years. This type of investment may not be suitable for you.

## Conclusion

Consumers are demanding more food due to population growth and healthier food as the shift to organics intensifies. Growers need to maximize their acreage and remain competitive by lowering costs. BVP provides solutions for farmers to profitably satisfy customer demand.

Obtaining EPA approval in the U.S. was the kickoff for commercialization and will be significant in gaining approval in other jurisdictions. The company will scale revenue as it enters new territories, penetrates additional crop markets, and develops new products and partnerships.

BVT is a small company with global plans. There will be many press releases to bulk up the stock price as the company achieves its goals but the proof will be in revenue growth and profitability.

Disclosure: I am/we are long BEVVF. I wrote this article myself, and it expresses my own opinions. I am not receiving compensation for it (other than from Seeking Alpha). I have no business relationship with any company whose stock is mentioned in this article.

Editor's Note: This article covers one or more microcap stocks. Please be aware of the risks associated with these stocks.

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## Environmental Agency doubts California's proposed ban of new petrol vehicles by 2035

<https://www.energylivenews.com/2020/09/29/environmental-agency-doubts-californias-proposed-ban-of-new-petrol-vehicles-by-2035/>

By Dimitris Mavrokefalidis

US Environmental Protection Agency (EPA) Administrator Andrew Wheeler has sent a letter to California's Governor expressing his doubts over the proposed ban of new petrol vehicles by 2035.

In a letter sent yesterday to Governor, Mr Wheeler writes the governor's order mandating only new electric vehicles car sales in California by 2035 may be illegal and questions the feasibility of the uptake of electricity demand in a state with a history of rolling blackouts.

He said: "California's record of rolling blackouts, unprecedented in size and scope coupled with recent requests to neighbouring states for power begs the question of how you expect to run an electric car fleet that will come with significant increases in electricity demand when you can't even keep the lights on today."

A few days ago, during the announcement of the proposal, Gavin Newsom, California's Governor, said: "The smash-mouth realities of climate change are self-evident to anyone that lives in California to deny climate change visit the state of California.

"And that's why we are moving forward to require a mandate that 100% of the vehicles in the state of California in 15 years have to be zero-emission vehicles and that all existing internal combustion engines can be sold only on the secondary market, used market."

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### **EPA chief ridicules California's proposed ban of new gas cars**

<https://www.mercurynews.com/2020/09/29/epa-ridicules-californias-proposed-ban-of-new-gas-cars/>

By ASSOCIATED PRESS |

PUBLISHED: September 29, 2020 at 6:40 a.m. | UPDATED: September 29, 2020 at 6:43 a.m.

SACRAMENTO — U.S. Environmental Protection Agency chief Andrew Wheeler on Monday ridiculed California Gov. Gavin Newsom's plan to ban the sale of new gas-powered cars by 2035, saying the proposal raises "significant questions of legality."

Last week, Newsom signed an executive order directing state regulators to come up with rules that would ban the sale of all new gas-powered passenger cars and trucks by 2035. He said the plan will reduce greenhouse gas emissions by 35%.

On Monday, Wheeler sent Newsom a letter questioning how the state could add millions of electric vehicles despite having "a record of rolling blackouts." He said it "begs the question of how you expect to run an electric car fleet that will come with significant increases in electricity demand, when you can't even keep the lights on today."

California had its first rolling blackouts in nearly 20 years last month when demand for electricity during a heat wave was so high the state ran out of power. More than half a million homes and businesses lost power for about an hour. The state came close to mandatory power shutoffs a few other times this year, but was able to avoid them.

"The truth it that if the state were driving 100 percent electric vehicles today, the state would be dealing with even worse power shortages than the ones that have already caused a series of otherwise preventable environmental and public health consequences," Wheeler wrote.

The blackouts in August were complicated by a heat wave that blanketed much of the West, making it more difficult for California to purchase surplus power from other states. Newsom has ordered an investigation of the blackouts and has signed an emergency proclamation allowing more energy users and providers to tap into backup power.

Meanwhile, massive wildfires continue to burn across the state, aided in size and intensity by climate change. Newsom has said the fires have strengthened his resolve to combat climate change.

“While the Trump Administration tries to drive this country off a climate cliff, California is once again assuming the mantle of leadership in the fight against climate change,” said Newsom spokesman Jesse Melgar. “We aren’t going to back down from protecting our kids’ health and the air they breathe.”

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### **EPA questions legality of California's attempt to phase out sales of gas-powered cars**

<https://thehill.com/policy/energy-environment/518729-epa-questions-legality-of-californias-attempt-to-phase-out-gas>

BY RACHEL FRAZIN - 09/29/20 10:48 AM EDT

The federal government is raising legal and practical questions about a recent California executive order attempting to end sales of gas-powered cars in the state by 2035.

Environmental Protection Agency Administrator Andrew Wheeler wrote to California Gov. Gavin Newsom (D) on Monday, saying he believes California would need to request a waiver from his agency for the order to be implemented and implying that the state’s electricity infrastructure is insufficient for a shift toward electric vehicles.

“While the [executive order] seems to be mostly aspirational and on its own would accomplish very little, any attempt by the California Air Resources Board to implement sections of it may require California to request a waiver to U.S. EPA,” Wheeler wrote.

The EPA last year revoked a waiver that allowed California to set its own vehicle tailpipe emissions standards, so it appears unlikely that the agency would grant one on car sales under the current administration.

California, alongside 22 other states, has sued the agency over that decision, arguing that its standards were achievable and that the EPA’s decision is bad for climate change.

The executive order also comes as California has recently faced rolling blackouts, Wheeler noted.

“California’s record of rolling blackouts — unprecedented in size and scope — coupled with recent requests to neighboring states for power begs the question of how you expect to run an electric car fleet that will come with significant increases in electricity demand, when you can’t even keep the lights on today,” the country’s top environmental official wrote.

“The truth is that if the state were driving 100 percent electric vehicles today, the state would be dealing with even worse power shortages than the ones that have already caused a series of otherwise preventable environmental and public health consequences,” he added.

Newsom, when he announced the initiative, said it would help the state meet its climate goals and also help create jobs in the state.

“We will move forward to green and decarbonize our vehicle fleet ... substantially reducing greenhouse gas emissions as well as oxide nitrogen, in so doing, we’ll improve air quality and improve the economic climate here in the state of California,” he said last week.

Newsom spokesperson Jesse Melgar defended the order in a statement this week, saying, “While the Trump Administration tries to drive this country off a climate cliff, California is once again assuming the mantle of leadership in the fight against climate change.”

“We aren’t going to back down from protecting our kids’ health and the air they breathe,” Melgar said.

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### **EPA vs. California's new electric vehicle mandate**

<https://www.axios.com/epa-california-electric-vehicle-mandate-a00c1059-b871-4255-8e8b-ecd22cd039.html>

By Ben Geman, author of Generate

29 Sep 2020

EPA is making its opening moves against California's plan to phase out sales of new gasoline-powered cars by 2035 — the latest front in the battle between the White House and the state over climate policy.

Driving the news: Via The Wall Street Journal, EPA boss Andrew Wheeler sent California Gov. Gavin Newsom a letter attacking the plan and arguing it would require EPA approval.

The letter Monday says there are "serious questions" about the plan's legality and that it may require a waiver from EPA, per Reuters' report on it.

Why it matters: California is the nation's largest auto market. Newsom's plan last week is the most aggressive U.S. move to curb carbon emissions from transportation and push electric vehicles.

Wheeler's letter underscores the stakes of the ongoing litigation between EPA and California over cars, as well as the outcome of the election, and even the Supreme Court makeup.

Last year the Trump administration revoked the state's special authority under the Clean Air Act to set its own tailpipe emissions rules that a number of other states may adopt.

Yes, but: The fight over California's plan is in its early stages. Newsom's executive order last week is only a first step. State regulators' completion of final rules to actually implement it is likely years away.

The intrigue: It's a legal fight, but also a PR battle, with Wheeler's letter taking aim at California's recent rolling blackouts.

The states' power woes raise the question of "how you expect to run an electric car fleet that will come with significant increases in electricity demand, when you can't even keep the lights on today," it states.

Newsom spokesman Jesse Melgar, in a statement to several outlets, said the Trump administration is trying to "drive this country off a climate cliff."

“We aren’t going to back down from protecting our kids’ health and the air they breathe,” he said.

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### **Is California’s Gasoline Car Ban Legal?**

<https://oilprice.com/Latest-Energy-News/World-News/Is-Californias-Gasoline-Car-Ban-Legal.html>

By Charles Kennedy - Sep 29, 2020, 9:30 AM CDT

The chief of the Environmental Protection Agency has questioned “the legality and practicality” of an executive order issued earlier this week by California Governor Gavin Newsom that will ban sales of new gasoline cars in the state from 2035.

Andrew Wheeler also suggested that the order could need federal approval, according to a letter seen by the Wall Street Journal, which first reported the news.

Newsom signed the order last week and passed it on to the California Air Resources Board for implementation in the Golden State’s latest effort to reduce emissions.

“In the next 15 years we will eliminate in the state of California the sales of internal combustion engines,” the Governor said at a news conference before signing the executive order. “If you want to reduce asthma, if you want to mitigate the rise of sea level, if you want to mitigate the loss of ice sheets around the globe, then this is a policy for other states to follow.”

According to Wheeler, however, if the state wants to do that, it may have to apply for a waiver with the EPA. The regulator has already locked horns with California on the matter: last year, the EPA instituted rules preventing the state from mandating its own emission standards that would have boosted sales of electric cars at the expense of vehicles with internal combustion engines.

Wheeler’s letter focuses on concerns that others already raised after the news broke of Newsom’s executive order: additional strain on the state’s already strained grid.

“California’s record of rolling blackouts—unprecedented in size and scope—coupled with recent requests to neighboring states for power begs the question of how you expect to run an electric car fleet that will come with significant increases in electricity demand, when you can’t even keep the lights on today,” the head of the EPA wrote in the letter.

By Charles Kennedy for Oilprice.com

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### **Morning Brief: Revenue streams of CAISO batteries, Entergy still on the gas, New Hampshire NEM**

<https://pv-magazine-usa.com/2020/09/29/morning-brief-revenue-streams-of-caiso-batteries-entergy-still-on-the-gas-new-hampshire-nem/>

SEPTEMBER 29, 2020 ERIC WESOFF

Entergy to rely on gas while claiming Net-Zero Emissions in 2050: Entergy joined other large utilities last week in announcing its intent to achieve “net-zero emissions” by 2050, but like its regional peers of Duke and Southern, the company is charting a course that will rely heavily on gas. Gas, which is a fossil fuel that contributes to climate change, will make up as much as a quarter of Entergy’s electric capacity by 2050, according to the plan. Entergy CEO Leo Denault told investors in February the company planned to build as much as 4 GW of new gas by 2030. Entergy’s net zero announcement, timed in advance of its “Virtual Analyst Day”, comes on the heels of Southern Company’s announcement that it too would rely on gas while still claiming net zero emissions. Entergy has repeatedly blocked action on climate at the operating company level; its New Orleans subsidiary threatened the City of New Orleans if the city proceeded with a plan that would force the utility to move toward clean energy as part of an effort to combat climate change. Source: Energy and Policy Institute

EnergyGPS recently examined the revenue streams available to CAISO batteries. As we all know, there is a slew of large new batteries coming down the pipe in California, the first of which hit the grid last month. The 250MW/250MWh Gateway Energy Storage facility, purportedly largest battery system in the world, roughly doubles the power capacity (though not the energy capacity) of the battery fleet in California. The fact that this battery has only one hour of energy storage capacity tells us that it was designed with ancillary services in mind. Only having one hour of energy storage is fine if you are mostly selling the availability of your capacity, rather than selling large quantities of energy. A battery which primarily participates in ancillary services is par for the course at the moment. Most batteries are happy to sit on the sideline and provide regulation services, rather than getting mixed up in the messy world of daily energy price spreads. Source: [Energy GPS](#)

New Hampshire House fails to override net metering veto: In March, the New Hampshire Senate had voted 17-7 to override the governor's veto of Senate Bill 159, legislation that would have increased the state net metering limit from 1 to 5 MW. But on Sept. 16, the House failed to override the veto on a 207-130 vote. This is not the first year that Gov. Sununu has vetoed a net metering bill. He has said taxpayers would have to pay millions of dollars if the bill were to pass. Source: [Daily Energy Insider](#)

EPA raises legal questions about California's plan to ban new gas-powered cars starting in 2035: The Environmental Protection Agency raised concerns about California Gov. Gavin Newsom's plan to ban sales of new gasoline and diesel-powered passenger cars in the state by 2035, arguing that the mandate is impractical and possibly illegal. California's rolling blackouts and requests for power from neighboring states "begs the question of how you expect to run an electric car fleet that will come with significant increases in electricity demand, when you can't even keep the lights on today," EPA Administrator Andrew Wheeler said today in a letter to Newsom. Wheeler also said the order likely would not be able to be implemented by the California Air Resources Board without approval from the EPA, pointing out that the Trump administration in 2019 took away the state's power to set its own vehicle tailpipe emissions standards. Source: Wall St. Journal, Axios

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### **Trump Satisfies N.D. Ethanol Industry but not Without Roiling Others**

<https://www.kxnet.com/news/trump-satisfies-n-d-ethanol-industry-but-not-without-roiling-others/>

By Josh Meny

Sep 29, 2020 / 08:21 AM CDT / Updated: Sep 29, 2020 / 08:22 AM CDT

Ethanol is big business in North Dakota. In fact, the industry produces around 520 million gallons per year within the state. A recent decision by President Trump's EPA has bolstered confidence within the industry. But, interest groups are calling it an election year stunt by the President to strengthen support from rural America.

The Renewable Fuel Standard, or RFS, was created by the EPA in 2005 to increase the amount of renewable fuel, such as ethanol, that gets blended into the nation's fuel supply. The goal of the RFS is to reduce U.S. reliance on foreign oil and cut carbon emissions. Each year that standard increases which means oil refineries are obligated to blend higher percentages of ethanol into their fuel every year. But, it hasn't worked that way. Dating back to 2011, more than 70 oil companies have applied for Renewable Fuel Exemptions to avoid having to blend ethanol into their gas. They needed to prove economic hardship in order to gain an RFS exemption.

"What's happened of late is these exemptions have been given without demonstration of hardship and they were handing them out essentially to anybody that applied," Midwest Ag Energy CEO and ND Ethanol Council Chairman Jeff Zueger.

Because of the exemptions, billion gallons of ethanol have been deferred. However, in mid-September, the EPA announced that it is rejecting 54 RFS exemptions applications. The announcement sends a strong signal to North Dakota's ethanol producers and corn growers that there will be a steady demand for their product.

"What's happened of late is these exemptions have been given without demonstration of hardship and they were handing them out essentially to anybody that applied," explained Zueger.

Because of the exemptions, billions of gallons of ethanol have been deferred. But, earlier this month the EPA announced that it is rejecting 54 RFS exemption-applications. The move sends a strong signal to North Dakota's ethanol producers and corn growers that there will be a steady demand for their product.

"Anything that we can gain from the EPA that shows a strong signal for support for renewable fuels going forward, that they're gonna continue to follow the intent of the Renewable Fuel Standard," explained Zueger.

The EPA says the decision is in keeping with Trump's promise to promote domestic biofuel production, support the nations farmers, and strengthen energy independence.

"This decision, really from an industry standpoint gives us the footing and the confidence that now we're gonna comply with the RFS and our industry can look forward instead of backwards," explained Red Trail Energy CEO, Gerald Bachmeier.

But, critics say it's a political stunt during a hotly contested election year. The Trump administration signaled that it wanted to use USDA funds to make \$300 million dollars in payments to the oil companies whose petitions had been denied. That money that is designated for farmers and not the fossil fuel industry.

"And, I know Sonny Perdue from what I have heard was not in favor of this. There are definitely optics problems which you note. This is a fund of money that is designed to pay farmers, agricultural producers, for when they have tough times like they're having right now, and you know, I think there's a lot of people that viewed using that money as not the proper move," Growth Energy VP of Government Affairs, John Fuher.

Meanwhile, North Dakota's ethanol producers are welcoming what they see as a win for their industry and for our state's corn farmers.

"You may not like this administration or the President on how he delivers the message, but at the end of the day he's actually getting some things done that have really taken down some barriers, especially for this state," said Bachmeier.

US Ag Secretary Sonny Purdue says that money will not be used to bail out oil companies. Growth Energy's John Fuher says the decision by the EPA to reject 54 gap-year small refinery exemptions is "positive movement," but he says there are still 33 exemptions that still need to be rejected.

On average 40 to 60% of North Dakota's corn crop goes toward ethanol, but this year refiners are expecting 70% of the state's corn to be used for ethanol.

## Your View: Why rollback of methane rules is catastrophic

<https://www.mcall.com/opinion/mc-opi-let-methane-pinsley-cardoni-20200929-7mb4dgumkrfjxmxjfw5glvvg7i-story.html>

By FLORA CARDONI and MARK PINSLEY

SEP 29, 2020 AT 7:00 AM

As huge swaths of the nation deal with wildfires, hurricanes, excessive heat and flooding, it is clear we must immediately implement policies to fight climate change and protect our communities.

Yet as we're experiencing what many experts say are the early impacts of the mankind-created climate crisis across the country, many politicians are working overtime to move us further in the wrong direction.

A clear and recent example of this is the Trump administration's catastrophic rollback of methane rules that will increase emissions of this potent greenhouse gas by eliminating oversight of hundreds of thousands of gas and oil facilities while loosening regulations.

Methane, which is commonly released during the extraction of fossil fuels such as natural gas, is 86 times more potent as a global warming pollutant than carbon dioxide over a 20-year period, and 34 times stronger than carbon dioxide at trapping heat over a 100-year period. So, like all other fossil fuels, it is only adding to our growing climate crisis.

With the reckless decision to roll back methane protections, the Trump administration will ratchet up the volume of this planet-warming gas in communities across our state and country for years to come.

We no longer have the luxury of treating our atmosphere like a waste dump for global warming pollutants such as methane. Pennsylvania is already suffering from the impacts of climate change with a long-term warming of more than 1 degree Celsius, worsening air quality, more extreme and frequent downpours and flash flooding, according to the state Department of Environmental Protection.

These are impacts that will only increase as we pump more methane pollution into the air.

Of course, this problem doesn't stop at the Pennsylvania border. All across the country, the impacts of climate change have never been clearer. The South is dealing with a record-breaking hurricane season and the earliest named storms on record, according to data from the National Oceanic and Atmospheric Administration.

The Midwest is reeling from an unexpected storm that demolished millions of acres of crops. And, farther west, wildfires are raging in California and Colorado. Death Valley recently hit one of the hottest temperatures ever recorded on Earth.

Despite all of these clear signs of the climate crisis, the Trump administration is moving full steam ahead with its climate denial campaign. Over the past few years, the president and his staff have rolled back several efforts to regulate climate pollution from power plants and transportation, locking in pollution for years to come and endangering our families and communities.

This latest decision to roll back important regulations on methane emissions from the oil and gas industry adds to that devastating list.

These actions are particularly disappointing when you consider how methane is already silently damaging our climate. Recent findings show the oil and gas industry in Pennsylvania is releasing twice as much methane as previously reported, up to 1.1 million short tons of methane annually, according to the Environmental Defense Fund. This is more than 15 times higher than what oil and gas companies reported to the state DEP.

It is clear that we need stronger regulations, not less accountability. And we need to cut climate pollution faster, not give a green light to the fossil fuel industry to pollute even more.

This latest move by the Trump administration is so extreme that even the world's largest oil and gas companies are calling on the U.S. Environmental Protection Agency not to move forward with the changes.

So next time you go outside and get caught in unbearable heat or an unexpected downpour, we hope you're inspired to act. Pull out your smartphone and write to EPA Administrator Andrew Wheeler, asking him to repeal the New Source Performance Standards for the oil and gas industry.

And while you're at it, send a note to your elected officials at the state and federal level to ask them to do everything in their power to rein in methane pollution, including asking Gov. Wolf to strengthen Pennsylvania's pending standards in the face of this rollback.

Let's use our voices to speak truth to power. The country is on fire and we're not going to take it anymore.

Flora Cardoni is field director with PennEnvironment. Mark Pinsley is the Lehigh County controller.

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## **Biopesticides Market Potential Growth, Share, Demand And Analysis Of Key Players- Analysis Forecasts To 2026**

<https://thedailychronicle.in/news/2115423/biopesticides-market-potential-growth-share-demand-and-analysis-of-key-players-analysis-forecasts-to-2026/>

By nirav

Post date 29th September 2020

This intelligence and 2026 forecasts Biopesticides industry report further exhibits a pattern of analyzing previous data sources gathered from reliable sources and sets aprecedented growth trajectory for the Biopesticides market. The report also focuses on a comprehensive market revenue streams along with growth patterns, analytics focused on market trends, and the overall volume of the market.

Moreover, the Biopesticides report describes the market division based on various parameters and attributes that are based on geographical distribution, product types, applications, etc. The market segmentation clarifies further regional distribution for the Biopesticides market, business trends, potential revenue sources, and upcoming market opportunities.

### **Market Dynamics**

Considerable pressure on farmers to reduce or eliminate the use of pesticides in crop production systems, owing to the effects of pesticide residues on human health and on the environment is a major factor boosting growth of the market. Moreover, several government organizations are focused on development of 'safer pesticides' such as the Environmental Protection Agency (EPA). The current EPA policy is to facilitate the testing and registration of pesticides which have 'reduced risks'. Such initiatives may have significant Impact on market size over the forecast period.

## Leaded Soil Endangers Residents in New York Neighborhoods

<https://eos.org/articles/leaded-soil-endangers-residents-in-new-york-neighborhoods>

By Matthew Stonecash

29 Sep 2020

City parks can be a haven for homebound residents looking to escape the quarantine blues this year, but an invisible threat might be lurking just below the surface. A new study describes dangerously high levels of lead in the soil of several parks in New York City. Researchers found that lead levels are highest in areas undergoing rapid growth and redevelopment.

“We have over 36,000 people moving into these areas—and lead contamination in the soil.” “We have over 36,000 people moving into these areas—and lead contamination in the soil,” said study coauthor [Brian Pavilonis](#), a professor at the Graduate School of Public Health and Health Policy at the City University of New York (CUNY). “That’s a lot of people who could all be exposed.”

Pavilonis and his colleagues at CUNY and Brooklyn College analyzed hundreds of samples from 34 parks in six different geographical areas throughout the city. Many of the results far exceeded the Environmental Protection Agency’s soil cleanup value of 400 milligrams of lead per kilogram of soil.

This map shows the approximate locations of the six geographical areas examined by the study, along with the median lead level observed (red numbers indicate a concentration above the EPA’s soil cleanup value of 400 milligrams of lead per kilogram of soil), recent population growth, and the proportion of new construction. Click to enlarge. Credit: Matthew Stonecash, adapted from [Copernicus Sentinel-2](#), ESA; CC BY-SA 3.0 IGO

In Long Island City, for example, abandoned factories and parking lots have given way to glittering apartment towers with waterfront views and short commutes to Manhattan. The population has grown by more than 20% in the past 10 years. Soil samples from parks in the area ranged from 26 to 6,300 milligrams of lead per kilogram of soil. “We confirmed our initial hypothesis, that [lead] levels in these areas would be very, very high,” Pavilonis said, “but I was surprised to see samples in the thousands of milligrams, especially in a park.”

The study was published in the August issue of the International Journal of Hygiene and Environmental Health.

### “Condemned to Being Lead Poisoned”

Lead in soil comes mostly from legacy uses in paint, industry, or transportation. Between 1926 and 1985, motorists burned 7 million tons of tetraethyl lead in gasoline. Although leaded gasoline has been nearly phased out, the lead persists today, having stuck to vertical surfaces such as buildings and trees and then been washed into the soil. During dry summer months, wind and construction activity resuspend lead-containing soil into the air as dust. Lead levels in the blood of children living nearby rise during these months and fall again each winter.

“People think if there is lead in the soil, the kid has to go to the park and ingest it somehow, but you don’t even have to use that park or outdoor space—that lead gets into the air and then it’s inhaled,” Pavilonis said.

“The immediate lead in the atmosphere has been the source that has really just condemned us to being lead poisoned.” “Lead paint has certainly been a horrendous problem,” said [Howard Mielke](#) of Tulane University who was not involved in the new study. “But the immediate lead in the atmosphere has been the source that has really just condemned us to being lead poisoned.”

The median lead concentration in soil, according to a [2013 U.S. Geological Survey report](#) describing 4,841 soil samples from nonurban locations in the United States, was only 18 milligrams of lead per kilogram of soil. This

figure led some experts to suggest that the EPA cleanup value (400) is far too high. Among them is Mielke, who said that in areas where children have low levels of lead in their blood, lead levels in the soil are below 40 milligrams of lead per kilogram of soil.

According to the Centers for Disease Control and Prevention (CDC), there is no safe level of lead in the bloodstream. The disastrous effects of lead on brain development in children are the most alarming and well known, but the CDC's toxicological profile for lead describes health effects on every organ system.

Research by Mielke and others suggests that combating these effects may be as simple as covering contaminated soil with clean soil and grass. Toward this aim, New York City's Office of Environmental Remediation established the PUREsoil NYC program in 2018. Using soil excavated from deep underground at construction sites, the program distributes free, clean soil to community organizations for use in gardens and other open spaces.

Meanwhile, Pavilonis plans to continue exploring how soils differ from neighborhood to neighborhood. Researchers are now collecting samples from all of the parks in Brooklyn for use in an ecological study of the relationship between lead in the soil and blood lead levels of children living in the area. "We're much more concerned with the effects on children," Pavilonis said. "The problem with lead is, once it impacts the developing brain, that's permanent."

—Matthew Stonecash (@mattstonecash), Science Writer

This piece was produced with support from the National Association of Science Writers' David Perlman Virtual Mentoring Program.

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## **EPA, DEQ settle on funding deal for Superfund site**

<https://thewesternnews.com/news/2020/sep/29/epa-deq-settle-funding-deal-superfund-site/>

By WILL LANGHORNE

The Western News | September 29, 2020 7:00 AM

Long-awaited federal dollars will soon be available to state and local officials for the continued maintenance of the Libby Superfund site.

Nearly three months have passed since oversight of commercial and residential properties in Libby and Troy transferred from the EPA to the Montana Department of Environmental Quality. The funding from the EPA needed by the state agency to maintain these properties should now be accessible within a matter of days, according to Jenny Chambers, administrator of the waste management and remediation division of the DEQ.

Chambers made the announcement during a Sept. 24 meeting of the Libby Asbestos Superfund Oversight Committee. While EPA officials have awarded the funds linked to their cooperative agreement with the DEQ, Chambers said DEQ staff would have to wait until this week before they could access the funds due to a five-day congressional hold.

Once the DEQ receives its funding, Chambers said state and Lincoln County officials would be able to sign off on an agreement that would provide dollars to county maintenance programs.

“Well that’s good news,” said County Commissioner and LASOC Chair Mark Peck (D-1) during the meeting. “We don’t get much of that in 2020.”

The delay in federal funds has frustrated Peck and the other members of the Libby oversight committee for months. Without the dollars, local property owners are forced to bid and pay for contractors to conduct asbestos sampling and abatements. While most can expect reimbursement, Virginia Kocieda, director of the county Asbestos Resource Program, said the lack of financial aid has put undue stress on residents.

“Not many property owners can afford abatement contractors out of pocket,” she said.

Due to the holdup in federal funding, the county has had to directly support the ARP — a critical organization that assists property owners conducting asbestos abatements. Peck said he hoped the deal between the DEQ and the EPA would reimburse the county for the funds it has put into the program.

During the Libby oversight committee meeting, Jason Rappe, DEQ project officer, said ARP officials have continued responding to calls from property owners. Currently, Rappe said the organization is working with six property owners who are at various stages of sampling and abatement. These projects are expected to range from \$1,330 to up to \$30,000, according to a summary of costs document reviewed at the meeting.

Already, the ARP has seen three residents complete asbestos testing on their properties, according to the document. Two of the owners are asking to be reimbursed for \$2,130 they each spent to hire an accredited inspector. One would like to be refunded for a \$1,060 sampling project.

Libby oversight committee members voted on a recommendation to DEQ officials that they reimburse property owner expenditures as outlined in the summary of costs document.

“It’s not the intent here certainly to seek DEQ response or approval today or to dwell on the details but rather to provide enough information on which to base a recommendation to DEQ,” said George Jameson, the committee member.

Shaun McGrath, DEQ director and committee member, abstained from the vote. While he expressed support of the recommendation, McGrath said department officials would have to review more details before committing to the reimbursement.

After minor technical corrections, the rest of the committee members voted unanimously to approve the recommendation.

“This is the first real on the ground [action] that we put in the process,” Peck said congratulating committee members after the vote.

Committee members also mulled over how they could streamline the reimbursement process for property owners. Though no action was taken, the group planned to revisit the topic in an upcoming meeting after reviewing bylaws.

The committee members did not set a firm date for their next meeting but anticipated holding it no later than the first week of December.

## **Sen. Rubio Introduces Legislation To Ease Path For Aquaculture Development In Federal Waters**

<https://www.wmfe.org/sen-rubio-introduces-legislation-to-ease-path-for-aquaculture-development-in-federal-waters/165278>

by Cathy Carter (WUSF)

29 Sep 2020

The bill's introduction follows recent efforts by the Trump administration to accelerate deepwater fish farming, including in the Gulf of Mexico.

The "Advancing the Quality and Understanding of American Aquaculture", or AQUAA Act, would clear the way for the Department of Commerce to regulate newly created aquaculture opportunity areas.

In August, a federal court ruled that offshore fisheries cannot be permitted in the Gulf of Mexico under existing policy.

The legal challenge was brought by a coalition opposed to expanded Gulf of Mexico aquaculture — specifically net pen fish farming proposed off Florida's west coast — that includes such fishing and environmental groups as the Gulf Restoration Network, Food & Water Watch and the Recirculating Farms Coalition.

The ruling also affirmed a ruling that the government could not approve permits without new Congressional authority.

The bill would do just that, and would also designate the National Oceanic and Atmospheric Administration as the lead federal agency for granting permits.

A proposed fish farm off the coast of Sarasota would fall under its purview. Meanwhile, the project is still waiting for the Army Corps of Engineers to authorize construction of the facility and for the Environmental Protection Agency to approve a wastewater discharge permit.

The floating fish farm would allow Ocean Era, formerly Kampachi Farms, to raise 20,000 Almaco jack in a net pen about 45 miles southwest of Sarasota. The fish would be hatched from eggs in tanks on shore at Mote Aquaculture Research Park and transferred to the open ocean pen as fingerlings.

According to a draft submitted to the EPA, the facility would include a supporting vessel and a floating cage in a water depth of 130 feet.

The vast majority of seafood in the United States is imported, 50 percent of which is derived from aquaculture. Currently, there are no active aquaculture farms in U.S. federal waters.

In a statement, Florida Sen. Marco said, "marine aquaculture presents an enormous opportunity for Florida's economy and for the food security of our nation."

Tampa and New Orleans-based environmental lawyer Marianne Cufone said similar bills have been introduced in the past, but have never made it out of committee.

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## **2 wells for drinking water near Naval base contaminated**

<https://columbiabasinherald.com/news/2020/sep/29/2-wells-for-drinking-water-near-naval-base-2/>

September 29, 2020 5:33 AM

BREMERTON, Wash. (AP) — Two wells bordering Naval Base Kitsap’s southern edge have been found to have potentially harmful levels of contamination caused by a firefighting foam used on the base.

The Navy is expanding testing this fall to examine a larger area for its presence, the Kitsap Sun reported.

The results come from an initial round of water testing for perfluoroalkyl and polyfluoroalkyl substances, commonly known by their acronym, PFAS. A common chemical ingredient since the 1950s, PFAS have been found by the Environmental Protection Agency to be dangerous at certain levels in the bloodstream, raising risks for cancer and ill effects on the body’s immune and endocrine system and in human development.

Of the 292 wells sampled by the Navy in February, 83 showed some level of PFAS, the Navy said. Two wells were found to have more than 70 parts per trillion of PFAS compounds — an amount that triggers the EPA to issue a lifetime health advisory.

Residents who get water from those wells are being supplied with bottled water until the Navy can provide a permanent solution to the problem.

The Navy has hired a contractor to do the expanded testing starting in October, the Navy said. Around 400 letters have been sent to properties in that area.

The Navy believes PFAS got into the ground around the base following decades of deployment of an aqueous film-forming foam known as AFFF, used by firefighters on base for training and in emergencies. The Navy has discontinued its use in training on Bangor. PFAS are also found in items including cookware, furniture and rain jackets.

“The Navy is committed to being transparent during this testing process,” Capt. Rich Rhinehart, Naval Base Kitsap’s commanding officer, said. “We will continue to keep the public informed as new information becomes available.”

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